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The West Virginia Gubernatorial Election Contest 1888-1890

Part I

The Campaign

By James Henry Jacobs

In West Virginia the citizens of 1888 witnessed a gubernatorial campaign of diverse elements. The rumblings of 1884 and 1887 within the Democracy could still be felt by the political seismograph. By playing upon these discrepancies and their own party principles, the Republicans naturally felt their unity.[1] The Union Laborites,[2] the Prohibitionists,[3] and the Colored Independents[4] also put tickets in the field.

The Union Labor convention on May 3, was the first state convention to meet.[5] S. H. Piersol, Wood County, editor of the *Standard* and chairman of the state executive committee, was nominated as a candidate for governor by Virgil A. Gates. Upon motion the nomination was made by acclamation, as was that of each potential state officer.[6] In his appreciation speech, Piersol promised his opposition to "fusion" and stated that the older parties did not have "any principles to fight for" and that "the spoils . . . [were] all they . . . [had] to fight for." The group deemed it inexpedient to make any nominations for Supreme Court Judge, because the members declared the

[1] See Festus P. Summers, *Johnson Newlon Camden, A Study in Individualism*, especially Chaps. XI, XIII, and XVIII.
[2] *Appleton's Annual Cyclopaedia and Register of Important Events of the Year 1888*, New Series XIII, p. 841; Wheeling *Register*, May 4, 1888.
[3] *Appletons'*, XIII, p. 842; Wheeling *Register*, August 1, 1888.
[4] *Appletons'*, XIII, p. 842; Wheeling *Register*, September 14, 1888.
[5] *Appletons'*, XIII, p. 841.
[6] Wheeling *Register*, May 4, 1888; *Appletons'* XIII, p. 841.

position was non-political. Other nominees were accepted by acclamation.[7]

In its report to the convening body, the committee on organization proposed that the party in West Virginia be made permanent. The report reaffirmed "the Cincinnati platform adopted February 2d [*sic*] . . . [to which it pledged] . . . its hearty support and entire endorsement." The state plank was made appealing by its inclusiveness, especially for laborers and other wage-earning classes. It stood for making operators pay miners for merchantable coal, for according the same rights to individual property owners as to corporations, for raising sufficient revenue to promote the state government, and for considering a state bureau of immigration which would exist "under a law with liberal provisions that shall secure the advertisement . . . [of the state's] inexhaustible resources, and to secure wealthy . . . thrifty, energetic [and] moral people to settle in our midst." The reform plank continued by favoring all laws which would be abreast with "those of the most populous and prosperous States." It favored the repeal of all "antiquated, mossback laws" which hindered commercial development and general progress.[8]

The final resolves denounced the "bad faith and cunning" of the preceding legislature manifested in a failure to provide machinery for enforcing the two weeks' pay and child labor bills; they further declared that the Miner act was a deliberate attempt to cripple organized labor.[9]

Immediately following adjournment of the convention, General J. B. Weaver, Greenback candidate for President in 1880, initiated the Laborite campaign in the Wood County courthouse yard.[10]

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[7] Wheeling *Register*, May 4, 1888.
[8] *Ibid.*, May 4, 1888.
[9] *Ibid.*, May 4, 1888; *Code of West Virginia*, 1887 (this work, hereafter referred to as Code of 1887), (Second Edition), Appendix, Secs. 13, 14, p. 981, 17, 18, p. 982; *Acts of the Legislature of West Virginia, at its Eighteenth Regular Session*, Commencing January 12, 1887, (*Acts and Joint Resolutions of the Extra Session*, 1887). (This work, hereafter referred to as *Acts of 1887*), Chap. 1 Secs. 13, 14, p. 168, 17, pp. 169-170, and 18, p. 170.
[10] Wheeling *Register*, May 4, 1888.

On July 31, Parkersburg became convention host to the well-intentioned Prohibition party. David D. Johnson called the ninety delegates to order, after invocation by "the Rev. Mr. Meyers, " pastor of the Moundsville Presbyterian Church.[11] Johnson proclaimed the value of the third party movement and named the Rev. L. L. Stewart, of Moundsville, temporary chairman. The Woman's Christian Temperance Union's resolution for a third party, obviously of the Prohibition variety, had been passed by that organization's July 5 convention in Parkersburg by a vote of 43 to 40, largely through the influence and activity of Miss Frances E. Willard.[12] This Temperance Union endorsement was presented by Miss Jane Johnson at the Prohibition convention before nominations took place. The combined pressure of these two temperance-minded groups made the proposed amendment prohibiting the sale and manufacture of intoxicating liquors the most important of three submitted to the people in November.[13]

Following the address by the "Hon. [General] George Christian" in which both major parties were tremendously scathed, routine business was completed. "The committee appointed to report the State ticket then appeared with . . . [a] list which was unanimously adopted." Thomas R. Carskadon, a one-time leading Republican of Hampshire County, and one who had been the youngest member of the State Constitutional Convention of 1862-'63,[14] became the gubernatorial candidate.[15]

From the early eighties there existed a Camden and an anti-Camden camp within the Democratic party. "All seemed to agree that Governor E. Willis Wilson was the leader of the irreconcilables and was perfecting schemes

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[11] *Ibid.*, August 1, 1888
[12] *The* (Weekly) *State Journal*, July 5, 1888.
[13] *Appletons'*, XIII, p. 842; Wheeling *Register*, November 21, 1888; *Acts of* 1887, Joint Resolutions No. 16, pp. 230-231, No. 19, p. 232 and No. 21, p. 232.
[14] George W. Atkinson, and Alvaro F. Gibbens, *Prominent Men of West Virginia*, p. 399.
[15] Wheeling *Register*, August 1, 1888.

to supplant [Johnson N.] Camden,"[16] West Virginia industrialist.

Although the Camden Democrats elected to the legislature in 1886 were not preeminently strong in numbers, it appeared that Camden would receive enough party support to be reelected to the Senate. The anti-Camdenites stubbornly opposed the Camdenite proposition, when the time for the election came. For several weeks, from January 25, 1887 to the end of the regular session, the Camdenites and the anti-Camden faction were deadlocked. Each balloting was close and nearly favorable for Camden; but, having no success and seeing disunity spread within the party, he abandoned his hopes for reelection. Daniel B. Lucas of Jefferson County, Camden's "bitterest and most unrelenting . . . political foe,"[17] was appointed by Governor Wilson after the undecided legislature adjourned *sine die*. This state of affairs was probably a blow to Camden. The special legislative session, meeting in May, rebuked the appointment of Lucas and chose Charles J. Faulkner, Jr., of Martinsburg, a man acceptable to Camden and the opposition.[18]

Later, Camden's support of Grover Cleveland's tariff policy tended to coalesce the opposition with his henchmen and to strengthen his own political position. Although Democratic newspapers tagged him a formidable candidate for governor in 1888,[19] Camden would not acknowledge these contentions. Harry G. Davis, West Virginia industrialist and railroad magnate, whom Camden favored for the position, refused to consider the matter.[20] The ex-Senator's next choice fell upon Judge Aretus Brooks Fleming of Marion County, an associate in the Upper Monongahela coal field.[21] Camden promoted the boom for him which gradually gained momentum.

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[16] Summers, *op. cit.*, p. 299; also see p. 264.
[17] *Ibid.*, pp. 437-438.
[18] *Ibid.*, p. 420; James Morton Callahan, *Semi-Centennial History of West Virginia*, pp. 244, 464-465; Millard Kessler Bushong, *A History of Jefferson County, West Virginia*, p. 297.
[19] Summers, *op. cit.*, p. 420.
[20] H. E. Davis to A. Brooks Fleming, July 27, 1888. Fleming MSS.
[21] Summers, *op. cit.*, pp. 420-421.

Certainly Fleming possessed political "availability"; his candidacy was quite acceptable to party factions. He had been a judge for approximately ten years; he was well known, and he had not unduly aroused any Democratic faction.[22] Rumors of "Fleming for Governor" spread meanwhile. Even the Republicans became aware of them. A proprietor of the Republican Wheeling *Intelligencer,* Archibald W. Campbell, when interviewed in Washington, D. C., gave "the impression that . . . Fleming . . . [would] be the Democratic candidate."[23]

As early as March 8, a letter from Benjamin H. Oxley of Lincoln County, secretary of the state executive committee, indicates a previous discussion favoring the nomination of Fleming. Oxley tried to show that Fleming had a following.[24] In late June, Fleming was again told by Oxley that he should be nominated and that his candidacy was vital for the welfare of the party.[25] Fleming replied that he could give no definite answer, pending the outcome of an undetermined business enterprise, the success of which would definitely incapacitate him for running.[26]

From existing evidence it is known that Fleming still preferred to avoid the nomination as late as June 13, when he wrote Camden, "From the start I have been . . . averse to being a candidate . . . I [had] supposed that 'the boom' would spend itself and that . . . [my] valued friends would . . . go to some other [possible nominee]." He amicably continued, "Start a boom for someone else."[27] Yet, earlier in the same month, Fleming had written Camden that he was most thankful for the kindness shown him, but, "I regret to tell you that I have concluded not to be a candidate . . . I am harassed with debt and must bend my energies to making some money or else sell prop-

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[22] J. D. Ewing to Fleming, July 3, 1888, Fleming MSS.
[23] *The* (Weekly) *State Journal,* June 14, 1888.
[24] B. H. Oxley to Fleming, March 8, 1888, Fleming MSS.
[25] *Id.* to *Id.,* June 30, 1888, Fleming MSS.
[26] Fleming to Oxley, March 13, 1888, Fleming's duplicate, also see Oxley to Fleming, April 26, 1888, Fleming MSS.
[27] Fleming to Johnson N. Camden, June 13, 1888, Fleming's duplicate, Fleming MSS.

erty which I desire to keep. I know the Canvass will be Expensive."[28]

In the same letter he closed by reluctantly consenting to the use of his name by the party and though he did not desire the position he agreed to let the question rest with the discretion of the party.[29] Certainly Camden would make the most of this allowance.

On June 28, Col. Benjamin W. Byrne, West Virginia politician and "walking encyclopaedia,"[30] wrote from Charleston to Fleming, Judge James Morrow, Jr., and Attorney Alpheus F. Haymond, all of Fairmont. He stated that either one "would be acceptable to a large portion of our party in this part of the state," and he proposed that an agreement between the joint addressees should decide the one who would formally declare himself a candidate.[31]

Fleming was designated by his two colleagues to reply for them and himself. He related, in substance, that Haymond had not anticipated the nomination nor did he believe it justifiable to the voters for an agreement to be made of the type suggested. He continued, that Morrow would not run but would accept the nomination "if tendered him." Fleming's own attitude changed signally from his earlier attitudes. He wisely claimed, "While I have not said I was not a candidate, . . . if nominated . . . I would feel it my duty to accept . . . ."[32] Fleming's June letter to Camden, dated the 13th, and his answer to Byrne indicated an "on the fence" attitude with leanings favorable toward a nomination.

As the convention day approached, a slight smirch of dissension which caused Fleming to lose a little support dwindled to a mere shell. This dissension arose when Morrow heatedly declared that he had been excluded from

[28] *Id.* to *Id.*, June 2, 1888, Fleming's duplicate, Fleming MSS.
[29] J. B. Sommerville to Fleming, June 29, 1888; E. Sehon to *id.*, June 16, 1888; Fleming to J. L. Warder, M.D., no date, Fleming's duplicate; Fleming to Thomas Wm. Darrah, July 18, 1888, Fleming's duplicate, Fleming MSS.
[30] William Alexander MacCorkle, *The Recollections of Fifty Years of West Virginia*, p. 146.
[31] B. W. Byrne to Fleming, June 28, 1888, Fleming MSS.
[32] Fleming to Byrne, July 2, 1888, Fleming's duplicate, Fleming MSS.

the nomination-to-be in Fleming's answer to Col. Byrne's letter of June 28. The existence of ill feeling between Fleming and Morrow is indicated in their correspondence. Morrow argued that a guarantee had been given by Fleming against having the latter's name used for the gubernatorial nomination. Fleming staunchly denied Morrow's charges and called Morrow's attention to the joint answer sent to Byrne which both Haymond and Morrow read before it was posted.[33] Considering the correspondence between the two citizens "at odds," it would seem that Fleming's actions were confirmed as proper. His "boom" grew and assurances of support from various quarters were showered upon him directly and indirectly.[34]

The pre-convention campaign, "was . . . prepared to make sure that the insurgent group claimed none of the nominations and exerted no appreciable influence on the work of the convention."[35] This state of affairs existed "in spite of all that . . . [was] done to harmonize . . . [the party]. Camden's friends . . . aggressive and on the war path" emphasized the expectation that "Judge Fleming [would] be nominated . . . on the first ballot."[36]

On August 15, the day before the convention assembled, several hundred visitors, including delegates, newspapermen, and professional politicians, began to arrive in Huntington to finish plans and promote further machinations. No doubt, private caucuses met to forward political objectives. Fleming went to his quarters in the Florentine Hotel.[37] His boom was being engineered by Camden's friends.[38]

Morrow apparently had a small delegation.[39] Both he and Haymond were strong in the Eastern Panhandle.[40]

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[33] James Morrow, Jr., to Fleming, August 11 and 14, 1888; Fleming to Morrow, August 7 and 13, 1888, Fleming's duplicate, Fleming MSS. Morrow died on November 18, 1888.

[34] Marshall Define to Fleming, July 15, 1888; Thomas M. Darrah to *id.*, July 17, 1888; A. W. Knotts to *id.*, July 19, 1888; W. V. Chichester to *id.*, July 25, 1888; J. N. Leach to *id.*, July 28, 1888; A. W. Knotts to *id.*, August 9, 1888; W. W. Brown to *id.*, August 11, 1888; A. L. Prichard to *id.*, August 14, 1888, Fleming MSS.

[35] Summers, *op. cit.*, p. 421.

[36] *The* (Weekly) *State Journal*, August 16, 1888.

[37] Columbus Sehon to Fleming, August 10, 1888, Fleming MSS.

[38] *The Sentinel*, August 18, 1888.

[39] *Ibid.*

[40] *Ibid.*, August 18, 1888.

[40] Wheeling *Register*, August 16, 1888.

Despite his disagreement with Fleming. Morrow did not wish to be a candidate, and "only at the very urgent solicitation of many friends" did he telegraph from Fairmont late in the evening that his name could be presented to the convention.[41] Probably a boom launched for him as early as was the one for Fleming would have given him a much larger delegation. Hiram A. Howard had a strong delegation[42] and ex-Congressman "Phil" (Charles Philip) Snyder and others were also boomed for the gubernatorial nomination.[43]

In the Huntington skating-rink, amidst din, color, and excitement, the meeting was called to order early the next morning by Thomas S. Riley, chairman of the state executive committee.[44] He then introduced Charles J. Faulkner, Jr., West Virginia's junior Senator, as temporary chairman. After preliminary business and adjournment, the body reconvened at two o'clock. The only discussion of note which was highlighted by an animated debate between Eustace Gibson of Cabell County and Cornelius C. Watts from Kanawha County, of the committee on credentials, occurred over the admission of proxy delegates. Convention Chairman Faulkner "held that proxies were not to be admitted unless the county convention authorized the delegates to name a proxy. Under this ruling Daniel B. Lucas and Eustace Gibson were refused a vote and John J. Davis of Harrison County, was admitted."[45] Ironically, Lucas, a non-Camdenite, had hoped to second Fleming's proposed nomination.[46]

Then senior Senator John E. Kenna of Kanawha County, a member of the committee on resolutions, proceeded to read the committee's report. It endorsed Cleveland and Thurman and lauded the former's presidential record. The platform "approved . . . Cleveland's message, and the Mill's bill [as well as] the State Administration,

[41] *Ibid.*, August 18, 1888.
[42] *Ibid.*, August 16, 1888.
[43] *The Sentinel*, August 18, 1888.
[44] *Ibid.*
[45] *Ibid.*, August 25, 1888.
[46] W. W. Brown to Fleming, August 11, 1888, Fleming MSS.

. . . it denied that the Democratic party was for free trade, and it declared for the St. Louis platform . . . ."[47] Unrestrained cheers of approval burst forth at the conclusion of the report.

William A. MacCorkle, from Kanawha County, nominated Fleming for Governor and his motion was soon after confirmed by the Upshur County delegation. Henry S. Walker, West Virginia's Secretary of State, followed by nominating Judge Morrow, whom he had championed in county conventions.[48] H. Clay Ragland of Logan County nominated his fellow-countain, John B. Floyd. Ragland pointed out Floyd's fitness and worthiness for the position. Charles E. Hogg of Mason County, "made an eloquent speech in placing Hiram A. Howard's name before the Convention."[49]

After the nominations were seconded, balloting began; and when "it was clear to all that . . . the next . . . candidate" was going to be Fleming, the tide began to change. Logan County withdrew Floyd; Kanawha, in the person of Henry S. Walker, withdrew Morrow; and a delegate from Barbour County moved that the nomination of Fleming be made unanimous. The motion was enthusiastically carried, although Howard's name was strongly supported.[50]

Before the convention adjourned, routine business was handled. In a message of gratitude Fleming accepted the nomination which the delegates had bestowed, and he lauded "the Civil War daughter" and promised, if elected, "every means in . . . [his] power to foster every proper enterprise for the development of . . . [the state's] great [natural] wealth."[51]

While he was in Parkersburg as a guest of Camden, Fleming made known that he would refrain from political speeches until he quit the bench.[52] Governor Wilson ac-

[47] *Appletons'*, XIII, p. 842.
[48] MacCorkle, *op. cit.*, p. 439.
[49] Wheeling *Register*, August 17, 1888.
[50] *Ibid.*
[51] *Ibid.*
[52] *The Sentinel*, August 25, 1888.

cepted his resignation on August 25, effective September 1, and appointed Alpheus Haymond to fill Fleming's seat.[53]

Many persons and journals were confident of success for the party, and in this train of thought several persons wrote Fleming.[54] In a congratulatory note John J. Brown of Morgantown said, ". . . I feel that I shall lose no sleep now as to the result in West Virginia on November next."[55] Others added ambition to their confidence. They "confidentially" suggested themselves for the office of secretary of state.[56] One person sought the position of state librarian.[57] Fleming demonstrated his precaution when he wrote, "we must not be too confident of success."[58]

Among West Virginia Republicans General Nathan Goff of Clarksburg was a recognized leader and an idol of his party.[59] "The feeling . . . [persisted] . . . that [he] ought to take the nomination" for governor, though some persons believed he would prefer to be United States Senator.[60] The Goff movement had two wings: one which boosted "the general" for the Senate and the other for the governorship. "Goff . . . tried to stop . . . the movement."[61] but it persistently advanced. Fleming predicted Goff's nomination.[62] Certain circles were willing to adjure their allegiance from Goff to James L. McLean of Putnam County. Probably realizing the odds against him in competition with Goff's name at the convention and also the value of party unity in the year of a possible Republican victory, McLean instructed that his name must not be

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[53] E. Willis Wilson to Fleming, August 25, 1888, Fleming MSS; Morgantown *Post*, September 1, 1888; Atkinson and Gibbens, *op. cit.*, pp. 12 and 438; *Biographical and Portrait Cyclopedia of Monongalia, Marion and Taylor Counties, West Virginia*, Sec. on "Marion County," p. 2.

[54] F. O. Bond to Fleming, August 24, 1888, Fleming MSS; *The* (Parkersburg) *Sentinel*, August 25, 1888.

[55] John J. Brown to Fleming, August 17, 1888, Fleming MSS.

[56] Okey Johnson to Fleming, August 18, 1888; F. O Bond, to *id.*, August 24, 1888; John R. Donehoo to *id.*, September 11, 1888, Fleming MSS.

[57] J. H. Bryan to Fleming, October 18, 1888, Fleming MSS.

[58] Fleming to A. V. McDowell, August 24, 1888, Fleming's duplicate, Fleming MSS.

[59] Atkinson and Gibbens, *op. cit.*, p. 226.

[60] *The* (Weekly) *State Journal*, June 14, 1888. The quotation given therein was attributed to A. W. Campbell.

[61] *The* (Weekly) *State Journal*, August 23, 1888.

[62] Robert F. Fleming to Fleming, August 24, 1888, Fleming MSS.

used in the presence of the General's. McLean handicapped his backers. A. W. Bell and Captain Blackburn B. Dovener, both of Ohio County, General Isaac H. Duval of Brooke County, James Menager of Mason, John W. Mason of Taylor, and W. H. H. Flick of Berkeley all had followers. Toward mid-August the active candidates in the latter group were considered to be Duval, McLean, and Menager.[63]

In accordance with the Republican state executive committee's published notices[64] the necessary delegates made their appearance in the city of Charleston for the convention on August 22. John A. Hutchinson of Parkersburg "gaveled" the meeting to order and made the preliminary speech. Charles B. Hart, Wheeling journalist, of the committee on resolutions, then made his report. *The* (Weekly) *State Journal* labeled it "an emphatic labor and tariff document."[65] It approved the Chicago platform of the national party, demanded "protection not only for manufactures but for raw materials and for all farm-products, a tax of $200 or more on immigrants for the protection of American labor, and oppose[d] the importation of contract or pauper labor."[66]

As a proselytizing gesture the Republican platform made a direct appeal for the support of the Union Labor party as well as other labor groups and men interested in labor problems. The phrasing of the resolve damning "the passage of the miners' bill by the Democratic legislature of 1887, . . . [as] a direct blow at organized labor"[67] was identical with that found in the platform of the Union Labor party.

That afternoon at Charleston, Menager named Goff for state executive leader. "A motion to make . . . [the nomination] by acclamation carried."[68] The General "was

[63] *The* (Weekly) *State Journal*, August 16, 1888.
[64] Morgantown *Post*, August 4, 1888; *The* (Weekly) *State Journal*, August 20, 1888; also see other partisan (Republican) publications.
[65] *The* (Weekly) *State Journal*, August 23, 1888.
[66] *Appletons'* XIII, p. 842.
[67] *Ibid.*, p. 842; *Code of 1887*, Appendix, Sec. 14, p. 981; *Acts of* 1887, Chap. L., Sec. 14, p. 168.
[68] *The Daily State Journal*, August 23, 1888.

forced . . . to run,"[69] In a lengthy acceptance speech, he vowed that he had not sought the honor.[70] He made an especial oratorical effort to chide the Democrats and their Huntington platform.[71] Here the early campaign skirmishes between the major parties opened.

One noted journal remarked that Goff's nomination for Governor rather than for Senator was "only a question of policy."[72] This contention would indicate that the Republicans anticipated an easy victory in state politics. No doubt they expected little competition from Fleming. He had attended to judicial duties for a decade and had meantime made few public utterances of note. In contrast, Goff had been serving the national government with some distinction, and his position presented opportunities for public speaking. He had held the cabinet post of Secretary of the Navy under President Hayes, and he was in 1888 a West Virginia Representative in Washington. Goff's partisan colleagues fully recognized the timeliness of sponsoring him. He was a magnetic and strong leader.

The weeks before election Tuesday, November 6, were filled with rabid campaigning. Even the Sabbath was not free from it. At practically every political gathering bunting was used, flags were waved, and slogans were cast. Politicians followed the plans laid by state executive committees for touring the state. County committees cooperated with the state committee's plans wherever possible, while at the same time, in their own spheres, they executed their smaller but perhaps more important plans. These and local benevolent organizations and newspapers hounded the executive candidates for funds to carry on their work.[73] Partisan groups held flag raisings and barbecues where speakers great and small were applauded. Frequently, these organizations virtually begged to have their

[69] MacCorkle, *op. cit.*, p. 434.
[70] *The Daily State Journal*, August 23, 1888.
[71] Robert F. Fleming to Fleming, August 24, 1888, Fleming MSS.
[72] *The Daily State Journal*, August 23, 1888.
[73] J. E. Kildon [Kildred (?)] to Fleming, August 28, 1888; D. W. Gall to *id.*, September 3, 1888; Julian E. Fling to *id.*, September 5, 1888; Putnam County Democratic Executive Committee to *id.*, September 30, 1888, Fleming MSS.

chief candidate present.[74] Processions headed by flags, banners, and the town's brass band were of common occurrence. Those held after dark were marked from beginning to end by torchlights. Various devices were concocted to insure and ensnare votes. One of the more common was the publication of stories and affidavits charging the opposite force with fraud, deception, vote bribing; the colonization of non-citizen Negroes for the purpose of voting, and with using other unethical means to win the election.[75] Newspapers were filled with yellow journalism. It was easy to see with which party the different papers sympathized. Many reports and editorials were unnatural, scathing, and sordid documents of a declamatory type.[76]

In this campaign nationally known speakers were procured to tour the state. Among those sponsored by the Republicans were Governor James A. Beaver of Pennsylvania and General Stewart L. Woodford of New York.[77] Colonel L. Victor Baughman, comptroller of Maryland, Colonel John R. Fellows of New York, ex-Senator Joseph McDonald of Indiana, and ex-Congressman John Ellis of Louisiana were brought to the hill country by the Democrats.[78] The Democrats also had G. P. Sherberty, "the distinguished New York . . . orator," speak in German to the population of that tongue in Wheeling.[79] Charleston, Huntington, Parkersburg, Weston, Wheeling and other strategic towns were never forgotten by political henchmen. Remote hamlets received their share of the political onslaught. These were the days when men took their politics seriously.

At the end of August, when Fleming resigned his judgeship, he began to make himself ready for the audi-

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[74] L. P. Fleming to Fleming, October 8, 1888; Democratic Committee on Speakers, Lewisburg to *id.*, October 15, 1888; C. W. Daily to *id.*, October 24, 1888; Fleming MSS.

[75] *The Sentinel*, August 25, September 1, and November 3, 1888; Hugh Garrett to Fleming, October 29, 1888, Fleming MSS; Summers, *op cit.*, p. 430.

[76] *The Sentinel*, August 25 and November 3, 1888; Wheeling *Register* September 5, 14, and October 1, 1888; *The* (Weekly) *State Journal*, September 27, 1888.

[77] *Ibid.*, November 1, 1888.

[78] Wheeling *Register*, October 11, 12, 13, and 24, 1888.

[79] *Ibid.*, November 4, 1888.

ence he was to meet in his state tour.[80] Goff, following the Republican state committee's itinerary, made his opening speech at Hinton on September 4.[81] Coincidently, the Democratic representative, Governor Wilson, and Secretary of State Henry S. Walker were scheduled to speak at the same place that day. In Hinton, Walker sent Goff an invitation to join him in a public discussion of the tariff issue. The General declared that he "would be pleased to respect any arrangement made by" the committee with the Democratic committee. The Republican body replied against having a discussion that day because of the time involved but agreed to a meeting of the candidates in the near future.[82] Democratic journals pictured Goff as lacking of courage to accept the challenge.

On September 12, Walker was scheduled to address an audience in the Huntington Opera House. The Young Men's Democratic Club tried to arrange a joint discussion for him with Goff, who was to be in the city; but the Republican committee rejected the proposal.[83]

At about this time, however, the tables were turned. On September 6, two days after Hinton, W. J. W. Cowden of Wheeling, chairman of the Republican executive committee, wrote Fleming and invited him to participate in a series of ten joint discussions for which Fleming's representative was to choose five places. Fleming cautiously responded that the Democratic state executive committee had made appointments for him, as far in advance as October 1, "to appear in the interior of the State . . . ." He referred Cowden's letter to the Democratic committee. Cowden also wrote T. S. Riley to renew his offer for joint discussions. Riley's reply mentioned Fleming's appointments in the interior. He also wrote that it was unfair to have Fleming discuss such matters as the tariff, because he had attended duties on the circuit bench for ten years while Goff had been continually exposed to the teachings

[80] Robert F. Fleming to Fleming, August 24, 1888, Fleming MSS.
[81] Wheeling *Register*, September 4, 1888.
[82] *Ibid.*
[83] *Ibid.*, September 13, 1888.

of the first-hand dealings with the issues. Because Representative William L. Wilson, like Goff, had spent six years in Congress and understood the tariff question, Riley suggested his name for the discussion. His proposal was accepted by the Republican committee on September 13.[84]

The Wheeling *Intelligencer* wrote that Fleming's position amounted to "a public confession of his unfitness . . . to fill the office of Governor."[85] Republican circulars containing the Riley-Cowden correspondence were distributed. The Republicans were now in the fore. Some Democrats felt that Riley had underestimated Fleming's ability,[86] but for reasons akin to those of Riley, Faulkner believed that consenting to any joint discussion would have been an injustice.[87] The Democrats won their objective by equally matching Goff, despite criticism. A few days later Riley encouraged Fleming by telling him that he probably could have met Goff successfully, judging from the good speeches he had been making while on tour.[88]

After touring the "back country" Fleming was amazed to learn of the doubts, even of some of the members of his own party, which questioned his abilities to understand the tariff issue. He felt capable of handling a discussion[89] of the issue and grasped the first opportunity to meet Goff. The paths of the two candidates met on October 1, at Beverly, where Fleming challenged Goff to a joint discussion. Governor Wilson was advertised to speak that evening and therefore would not relinquish his time for a joint debate. It was in the afternoon that Fleming vindicated his position with the Democratic voters.[90] Many congratulated him,[91] as no doubt others felicitated Goff.

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[84] *Ibid.*, September 14, 1888; Broadside distributed among voters by Republican party, in Fleming MSS and in A. B. Fleming's Scrapbook in the possession of A. Brooks Fleming, Jr., Fairmont, West Virginia.
[85] Quoted from *ibid.*
[86] E. N. Turner to Fleming, September 14, 1888, Fleming MSS.
[87] Charles J. Faulkner, Jr., to Fleming, September 30, 1888, Fleming MSS.
[88] T. S. Riley to Fleming, September 27, 1888, Fleming MSS.
[89] Fleming's Scrapbook.
[90] Wheeling *Register*, October 3, 1888.
[91] W. E. R. Byrne to Fleming, October 7, 1888, Fleming MSS.

The first of the four celebrated Wilson-Goff debates opened on October 13, in Martinsburg's Opera House. A debate followed at Wheeling and, according to some authorities, another at Montgomery. The closing one took place in Parkersburg on October 31. Along the same lines each discussion considered the tariff issue with its ramifications. Of the four, the Wheeling discussion, in the Alahambra roller-rink, was unusual. Many Republicans attentively listened to Goff's exposition of the "high tariff doctrine" as labor's protection. When Wilson rose he was jeered and derided by the "Goff claquers," as the Wheeling *Register* termed the Republicans.[92] His efforts to be heard evoked perspiration and mental heat. He actually removed his cuffs and collar, but he maintained his poise.[93] In these four discussions, as in most reports of the partisan press, the newspapers favoring Goff classed him as a superior statesman, while Wilson received continued support from Democratic papers.

The number of parties taking part in the autumnal campaign was enlarged by a racial group. In middle September the "State Independent colored conference met in . . . [Charleston] and went into session." The Colored Independent party was formed and W. H. Davis, Negro, was nominated for Governor. The Platform opposed the Republican party, because "it refused to give the colored man the recognition to which he is entitled."[94] It denounced discriminating branches of study in public schools between white and Negro pupils and opposed monopolies, corporations, and trusts. It despised "taking the revenue off whiskey and tobacco, and . . . [asked] that all necessaries be placed upon a free list and that the tariff be reduced . . . ."[95] The last two objectives resembled much in the Democratic platform. The newest party was destined to be an unheard voice.

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[92] Wheeling *Register*, October 28, 1888.
[93] *Ibid.*
[94] *Ibid.*, September 2 and 14, 1888.
[95] *Appletons'*, XIII, p. 842.

Fairmont witnessed a torchlight procession of 5000 in honor of Fleming and Henry S. Walker, who were present. Marching banners declared labor aligned with Fleming.[96] Many in the area were employed by his mining interests, and there cannot, therefore, be a definite claim that labor supported solely Fleming.[97] Goff had followers, also.

During the campaign the Union Laborites showed signs of dwindling. Their campaign was practically nil, and the election results show their relative small importance to the major parties. Even their nominee for state auditor, J. H. Burtt, deserted "the cause" by resigning his position on September 13, to "support the Republican nominees on the issue of the campaign."[98] Other members supported the Democrats.[99] Less was heard from the Prohibitionists and less were the votes favorable to them.[100] The Colored Independents were entombed by their unimportance, long before the election.

As the election drew near charges of graft filled the air. Fear existed that hired labor and independent Negro voters would sell their franchise.[101] Election day came and went, but the final returns were not tabulated for many weeks. Early November marked the beginning of a prolonged struggle for the state executive office.

RISING APPREHENSIONS

No one slightly concerned with public occurrences could have escaped hearing the election fraud rumors which, like a pestilence, swept through the state. "Whiskey," "bribery," "non-residence," "boodle," "bought-votes," and

[96] Wheeling Sunday *Register*, November 3, 1888.
[97] Wheeling *Register*, November 3 and 4, 1888; B. Wilson to Fleming, November 5, 1888, Fleming MSS.
[98] *The* (Weekly) *State Journal*, September 20, 1888.
[99] Wheeling *Register*, September 16, 1888.
[100] Appletons', XIII, p. 843.
[101] *The Sentinel*, September 8, 1888; Summers, *op. cit.*, p. 430.

"minors votes" were among the many terms used in spreading these rumors.[102]

Election returns were satisfactorily recorded for a great many offices but there was a number of confused returns. As a result, congressional and legislative seats were questioned.[103] Returns were slow in being totaled and in many cases weeks passed before tabulations were completed. Votes for the governorship elicited the most interest, due to the closeness in the totals reported for Goff and Fleming in many precincts.[104]

Posted party men over the state reported the Republican and Democratic progress to their respective party and candidates. Often a candidate received letters and telegrams, and possibly visitors, keeping him posted and telling him of his successes or failures in certain areas.[105] Some were congratulatory,[106] but many tended to confirm the appalling rumor that votes were obtained through foul means for an opponent.[107] From existing evidence it might be believed that the Democrats were more severe in their charges than were the Republicans.[108] Nonetheless the Re-

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[102] Morgantown *Post, The Preston County Journal, The Sentinel, The* (Weekly) *State Journal, Wheeling Register,* and Wheeling Sunday *Register,* issues during September through December, 1888 and throughout 1889 and January and early February, 1890; B. F. Martin to Fleming, November 10, 1888; Joseph Sprigg to *id.*, November 14 and 21, 1888; Judge Thomas Stealey to *id.*, November 14, 1888; R. F. Kidd to *id.*, November 21, 1888; Nathan Banks to *id.*, November 22, 1888; W. L. Wilson to *id.*, November 22, 1888; H. C. Hanigan to *id.*, December 8, 1888, Fleming MSS.

[103] *Journal of the House of Delegates, of the State of West Virginia, 1889* (Each House Journal hereafter referred to as *House Journal* followed by the proper time reference), pp. 11-30, 32-38, 42-46, 47-93, 184-308; and 319-320; Wheeling *Register,* November 27 and December 7, 1888.

[104] Precinct and county reports were published in most state papers throughout November, 1888. Morgantown *Post,* November 17, 1888; Wheeling *Register,* November 22, 24, 26, 1888.

[105] J. F. Allen to Fleming, November 4, 1888; T. S. Riley to *id.*, November 6, 10, 14, 24, 1888; J. N. Camden to *id.*, November 7, 1888; P. M. Robinson to *id.*, November 7, 1888; R. B. Yowell to id., November 7, 1888; E. A. Bennett to *id.*, November 8, 1888; W. B. Maxwell to *id.*, November 8, 1888; C. P. Dorr to *id.*, November 8, 1888; Joseph Moreland to *id.*, November 10, 1888; W. L. Laidley to *id.*, November 14, 1888; Henry S. Walker to *id.*, November 14, 15, 16, 1888; W. E. Chilton to *id.*, November 19, 1888; William M. Clayton to *id.*, November 20, 1888; Alfred Caldwell to *id.*, December 5, 1888, Fleming MSS.

[106] L. P. Feming to Fleming, November 8, 1888; W. D. Beaty to *id.*, November 11, 1888; J. B. Brookover to *id.*, November 11, 1888; T. M. Calbert to *id.*, November 11, 1888; P. J. Heran to *id.*, November 11, 1888; T. H. Buchanan to *id.*, November 12, 1888; G. A. Gibbens to *id.*, November 12, 1888; Thomas Fleming to *id.*, November 14, 1888; L. W. Kelley to *id.*, November 20, 1888; Cordelia R. Brooks (Fleming's Aunt) to *id.*, November 21, 1888; D. A. Brawley to *id.*, December 12, 1888, Fleming MSS.

[107] E. A. Bennett to Fleming, November 8, 1888; Judge Thomas Stealey to *id.*, November 14, 1888; Henry Cunningham to *id.*, November 15, 1888; "H. C. O." to *id.*, November 26, 1888, Fleming MSS.

[108] MacCorkle, *op. cit.*, p. 440.

publicans did not keep a stoic silence.[109] Throughout the heated campaign there was talk that men were being unduly influenced, usually through money, to change their political views. Whenever a fraud was bared, with a kind of substantiating proof, it was reported along with the returns.[110]

From 1817, when the first probable settlement in what is now West Virginia was established—'Potomoke,' in Jefferson County[111]—to 1880 the state had not been burdened by effects of industrialization; but the eighties brought exploitation of natural resources and increased population.[112] In 1895, the Superintendent of the United States Census announced that during the decade preceding 1890 the distinguishable frontier line had disappeared.[113] Two years before, this idea had been more thoroughly expounded by Frederick Jackson Turner of the University of Wisconsin.[114] Because of the frontier's closing and the nation's expanding industry, the population tended to remain on its native soil instead of moving westward; population shifts took place within the settled areas, especially in the East. Figures prove, consequently, that West Virginia was no exception to a population increase.[115]

In the order of their importance the four counties gaining most in white population were (1) Kanawha, (2)

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[109] Wheeling *Register*, November 12, 1888, referring to Wheeling *Intelligencer* article; *The* (Weekly) *State Journal, Supplement*, November 29, 1888; MacCorkle, *op. cit.*, p. 436.

[110] *The* (Weekly) *State Journal, Supplement*, November 29, 1888; Joseph Sprigg to Fleming, November 14, 1888; P. E. Canfield to *id.*, November 22, 1888; J. M. Hauser, to *id.*, November 26 and 30, 1888; E. E. Higgs to *id.*, November 30, 1888; John Bassel to *id.*, December 16, 1888; C. S. White to *id.*, December 28, 1888; T. G. Brady to *id.*, March 28, 1889; W. E. Haymond to *id.*, September 16, 1889, Fleming MSS.

[111] Bushong, *op. cit.*, pp. 8-9.

[112] *The* (Weekly) *State Journal, Supplement*, December 13, 1888; Charles Henry Ambler, *West Virginia, The Mountain State*, New York; (1940), pp. 458-460, 489-490; Callahan, *op. cit.*, Chap XI. pp. 183-222.

[113] *Report on Population of the United States at the Eleventh Census: 1890.* (This work, hereafter referred to as Report on Population, 1890). Part I, p. XXXIV.

[114] Frederick Jackson Turner, *The Frontier in American History*, especially Chapter I, "The Significance of the Frontier," pp. 1-38, and p. 39. Chapter I was "a paper read at the meeting of the American Historical Association in Chicago, July 12, 1893." The text of the Chapter "is that of the Report of the American Historical Association for 1893, pp. 199-227."

[115] Ambler, *op cit.*, pp. 461, 489-490; MacCorkle, *op cit.*, p. 434. See APPENDIX, Table I.

Cabell, (3) Fayette, and (4) Mercer.[116] Likewise, the four counties showing the greatest Negro increase were (1) Fayette, (2) Mercer, (3) McDowell, and (4) Kanawha.[117] From 592,537 white persons in 1880 the population figures changed to 732,077 in 1890, an increase of 137,540.[118] During the same decade the Negro population rose from 25,886 to 32,690, a total of 6,804.[119] The whole increase, that is, white and Negro, was 144,344,[120] or roughly about 23 per cent.[121] All males 21 years of age or over, that is, in the franchise years, raised the 1880 figures of 139,161 to 181,400 in 1890, or by 42,239.[122]

Many business men considered West Virginia a good business risk. The amount of capital involved in manufacturing in 1870 had been $11,084,520, while from $13,883,390 in 1880 the latter amount more than doubled to $28,118,030 in 1890.[123] Industry was making strides.

From the election of John J. Jacob in 1870, to the choice of E. Willis Wilson in 1884, no Republican headed the state.[124] In 1880 the Democratic party reached "the peak of its power."[125] Later it asserted itself but with much effort. In 1884, the Democratic victory kept only about a third of its 1880 plurality.[126] The campaign was hard fought and "the Republican party was gradually gaining . . . strength . . . ."[127]

Corresponding increases in population and industry, with the Republican growth before 1888, naturally tended to fill many Democrats with apprehension as to the gubernatorial results. The reports of illegal voting warned the two major parties of the insecurity of their candidates' positions. Returns were closely scrutinized. Democrats some-

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[116] *Ibid.*, Table I.
[117] *Ibid.*
[118] *Ibid.*
[119] *Ibid.*
[120] *Ibid.*
[121] *Report on Population, 1890*, Part II, p. 24.
[122] APPENDIX, Table I.
[123] *Report on Population, 1890*, Part I, p. 69.
[124] Ambler, *op. cit.* p. 461; Callahan, op. cit., p. 183-222; MacCorkle, *op. cit.*, p. 434.
[125] Ambler, *op. cit.*, p. 461.
[126] *Ibid.*, p. 461.
[127] *Ibid.*, pp. 463-464.

times feared they would not command a plurality for governor, when all returns were tabulated.[128]

When reports continued to pour into Democratic state headquarters and Fleming's hands, that wrongdoing was rampant throughout the state, during the election and counting of votes, the demands for recounts were hurled from politicians and oftentimes from the people.[129] Non-resident Negro voters, colonized voters, repeaters, and other charges were brands Democrats freely used in describing many voting precincts, especially in Mercer, McDowell, Fayette, Tucker, Wyoming, Brooke, and Kanawha Counties and others along the state's borders.[130] Republican newspapers were swift to lift the gauntlet in bickering defense. Many Democrats believed Fleming would be elected,[131] but some few conceded a possible defeat for him as they watched the published returns.[132]

Republicans guarded their interests.[133] One friend of Fleming's intimated that the Republicans "had every district . . . [counted] twice during the Canvass [*sic*], "this as soon as the election polls closed.[134] When the county commissioners met, as provided by law,[135] five days after the election, recounts were demanded by several candi-

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[128] Wheeling *Register*, November 18, 1888; B. F. Martin to Fleming, November 10, 1888; Judge John Brannon to *id.*, November 21, 1888; Robert W. Monroe to *id.*, November 21, 1888; Fleming MSS; MacCorkle, *op. cit.*, p. 438.

[129] Joseph Sprigg to Fleming, November 21, 1888; Nathan Banks to *id.*, November 22, 1888; Lee Crouch to *id.*, November 22, 1888; Robert Fleming (Fleming's Brother) to *id.*, November 23, 1888; T. S. Riley to *id.*, November 24, 1888; George H. Umstead to *id.*, November 26, 1888; J. H. Gettinger to *id.*, December 22, 1888; John Bassel to *id.*, December 27, 1888; W. L. Laidley, to *id.*, December 27, 1888; Fleming MSS; Atkinson and Gibbens, *op. cit.*, p. 438.

[130] *Monroe County Watchman*, November 22, 1888; *The Sentinel*, November 3, and December 1, 1888; *The* (Weekly) *State Journal*, November 15, 1888; Wheeling *Register*, November 15, 16, 19, 22, 26, 27, and December 27, 1888; Joseph Sprigg to Fleming, November 14 and 21, 1888; Henry S. Walker to *id.*, November 16, 1888; T. S. Riley to *id.*, November 19, 1888; R. F. Kidd to *id.*, November 21, 1888; Nathan Banks to *id.*, November 22, 1888; W. L. Wilson to *id.*, November 22, 1888; J. M. Hauser to *id.*, November 30, 1888; H. G. Hanigan to *id.*, December 8, 1888, Fleming MSS.

[131] MacCorkle, *op. cit.*, p. 438; B. H. Brown to Fleming, November 12, 1888; John R. Donahoo to *id.*, November 16, 1888, Fleming MSS.

[132] MacCorkle, *op. cit.*, p. 438; Fleming to Fleming, November 23, 1888, Fleming MSS.

[133] Wheeling *Register*, November 16, 1888; Republican newspapers.

[134] Joseph Sprigg to Fleming, November 21, 1888, Fleming MSS.

[135] *Code of 1887*, Chap. III, Sec. 21, pp. 57-58.

dates.[136] Fleming's henchmen watched his interest in doubtful counties, including Ohio and Wetzel.[137]

Despite most Democrats' confidence of Fleming's success, though not all county returns were tabulated, William E. Chilton and William A. MacCorkle, prominent party men, were pessimistic. They initiated the fight in Kanawha County by demanding a recount for Fleming without his knowledge,[138] though he soon sought recounts there and elsewhere.[139] Here, "the question of fraud in the election and the miscount of the ballots by the commissioners" were considered and guarded against by the Democrats. Fleming, it later developed, was beaten on the face of the returns, though MacCorkle declared, "our action in Kanawha County saved his election as far as the votes . . . [there] were concerned."[140] The report was that "Republican counties recounts . . . [were] demanded by [Republican candidates] . . . in order to keep the contest open . . . ."[141] All of the recounts took many days before final returns from each could be forwarded to the Secretary of State.[142]

In the meantime Matt Quay, national Republican chairman, was accused by the Wheeling *Register* of having arranged the misconducted election.[143] The Norfolk and Western Railroad had recently been extended into the southern counties, and collieries had been newly organized in Mercer and McDowell Counties. Rails had carried many Negro workers from Virginia and the South into the coal fields for work. Republicans were said to have bought immigrant and non-resident Negro votes, to have colonized Negroes for election day, and to have transported Virginia Negroes from McDowell County to re-

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136 Various newspapers throughout the state.

137 Henry S. Walker to Fleming, November 16, 1888; W. E. Chilton to *id.*, November 19, 1888; J. S. St. Clair to *id.*, November 20, 1888; T. S. Riley to *id.*, November 24, 1888; Robert White to *id.*, November 24, 1888; George H. Umstead to *id.*, November 26, 1888; Fleming MSS.

138 MacCorkle, *op. cit.*, p. 438.

139 *The* (Weekly) *State Journal*, November 15 and 22, 1888; Wheeling *Register*, November 16, 29, 1888.

140 MacCorkle, *op. cit.*, p. 438.

141 Wheeling *Register*, November 16, 1888.

142 *West Virginia Constitution of 1872* (Hereafter referred to as Constitution of 1872), Art. VII, Sec. 3; *Code of 1887*, Chap. III, Secs. 21, pp. 57-58, 22, pp. 58-59, and 23, p. 59.

143 Wheeling *Register*, November 15, 16, 17, 29, and 30, 1888.

peat their illegal voting in Bramwell and other Mercer County precincts.[144] When W. J. W. Cowden, state Republican chairman, conferred with Quay in Beaver, Pennsylvania, in late November and later with him and Goff in New York and elsewhere, Democrats felt certain that Quay was partially responsible for affairs in "the mountain state."[145]

Cowden noted a failure of the Democracy to recognize the growth of the state's foreign immigration, its changing industrial character in Tucker, McDowell, and Mercer Counties and that "Democrats bribed voters to vote their ticket; to stay away from the polls; and they voted citizens of other States . . . , minors . . . , paupers and imbeciles in spite of challenge or protest [at the polls]."[146] Both parties' organs hurled verbal bricks. They were always heated to scorch the opponent, Democrat or Republican.

The General said he would, if necessary, contest his election "before all suitable tribunals."[147] Fleming, "as the representative of . . . [the] party," and the people who supported him, replied that he would do likewise.[148] The contest die was cast.

At a meeting of the Democratic executive committee called in Charleston[149] for November 30, Riley, state party chairman, issued an address on the matter of fraudulent voting. Printer's devils of kindred mind, spread it from county to county. In nature it was a recapitulation of the party's views on crooked voting, and it dwelt upon the election crimes said to have been perpetrated by Republicans. Democratic righteousness was espoused. A broadside of the address, dated at the Wheeling party head-

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144 *Monroe County Watchman*, November 22, 1888; *The* (Weekly) *State Journal Supplement*, November 29, 1888; Wheeling *Register*, November 20, 26, December 7, 14, 1888; A republished article, nd., written by John E. Kenna, which originally appeared in the *National Democrat* and which was found in A. B. Fleming's Scrapbook; Callahan, *op. cit.*, pp. 465-466.

145 *The* (Weekly) *State Journal*, November 29, and December 6, 1888; Wheeling *Register*, November 16, 29, December 14, 17, 1888.

146 *The* (Weekly) *State Journal, Supplement*, November 29, 1888.

147 Wheeling *Register*, November 21, 1888.

148 *Ibid.*; T. S. Riley to Fleming, November 20, 1888; Charles J. Faulkner to *id.*, November 24, 1888, Fleming MSS.

149 *The Sentinel*, December 8, 1888; Wheeling *Register*, December 1, 1888.

quarters, was circulated to individuals, clubs and interested organizations. It was accompanied by subscription blanks to finance the contest and asked each recipient to "send . . . names of . . . illegal voters, . . . where they voted and why they had no right to vote." In his speech Riley referred to the committee's resolution requesting Fleming "to take immediate action for an election contest should the recounts now in progress substantiate the Republican claim that his opponent has a meagre majority on the face of the returns."[150] Surely the party was building a united front for the contest.[151]

In copious amounts contest demands were cast at Fleming's feet from many directions. Riley wanted "an investigation to determine who was honestly elected."[152] Fleming, himself, was eager to vindicate his name and his party,[153] though in later years he admitted his dislike for having had to submit to the wishes of politicians.[154] He acted according to the stage set for him, however, when he said:

> I feel . . . that the people . . . demand . . . this contest . . . . From the bottom of my heart I did not seek the gubernatorial nomination; but being a candidate I believe it . . . my duty to my State and to my party to see that the result of the election is honestly obtained. I have entered upon this contest from these motives alone, and at the request of the State Executive Committee . . .[155]

J. W. St. Clair, one of several attorneys assigned by the Democratic party to Fleming's interests,[156] observed, with MacCorkle, the recount in Charleston of every Kanawha precinct.[157] John D. Alderson's recount for the Third Con-

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[150] *The* (Weekly) *State Journal*, November 22, 1888; Democratic broadside of T. S. Riley's address, Fleming MSS; *Biographical and Portrait Cyclopedia*, Sec. on "Marion County," p. 2.

[151] E. E. Higgs to Fleming, November 30, December 8, 27, 1888; William A. Dent to *id.*, December 8, 1888; H.E. Hanigan to *id.*, December 8, 1888; W. E. Corder to *id.*, December 18, 1888; J. H. Robinson to *id.*, December 18, 1888; William Hood to *id.*, December 25, 1888; A. Hood to *id.*, January 30, 1889; T. G. Brady to *id.*, March 28, 1889; J. D. Alderson to *id.*, April 23, 1889; D. C. Casto to *id.*, April 25, 26, 1889; P. E. Canfield to *id.*, May 13, 1889; Fleming MSS.

[152] Wheeling *Register*, November 21, 1888.

[153] Interview with Fleming's son, A. Brooks Fleming, Jr., July 21, 1941.

[154] Interview with Zachery W. Morgan, husband of the late Margaret E. Morgan (nee Fleming), the latter a kinswoman of Fleming, July 7, 1941.

[155] Wheeling *Register*, December 27, 1888.

[156] Alfred Caldwell to Fleming, December 5, 1888; Fleming MSS.

[157] Wheeling *Register*, November 23, 1888.

gressional District was also watched.[158] Republicans said Democratic efforts were to count out Goff in Kanawha, Wetzel, Mercer, and McDowell Counties.[159] Democrats referred to a Republican county court, clerk, and county attorney in Kanawha, an intimation that the election commissioners were controlled.[160] Fleming's counsel spent several days, at one period, persuading the commissioners to resume the recount which was hindered by the absence of one or two commissioners.[161] St. Clair threatened to apply to the Supreme Court of Appeals for a writ of *mandamus,* if action were further delayed.[162] Counting continued.

A few days later, November 28, St. Clair, leading the counsel, petitioned the Supreme Court (Fleming *v.* Commissioners, November 28, 1888) to enjoin the county court commissioners of Kanawha County from recounting Lewiston precinct on the ground that two of the three election officials at Lewiston had not been properly sworn to their duties, as provided by law.[163] Petition showed the usual *jurat* to be absent from the election oath. In the precinct count, ninety votes were counted for Goff and seventy-nine for Fleming. Invalidating both counts would place Fleming eleven votes nearer Goff. St. Clair sought to seize this opportunity for his client on a technicality. During the recount the commissioners decided to count the Lewiston precinct votes despite protest. The petition declared the commissioners' action "a plain and palpable violation of the statute of the State, and a gross usurpation of power . . . ."[164]

Joined by the petitioner, the commissioners demurred. The demurrant insisted "that prohibition will in no case lie to interfere with . . . commissioners . . . assembled in

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158 *The* (Weekly) *State Journal,* November 15, 29, 1888.
159 *Ibid.,* November 29, 1888.
160 Wheeling *Register,* November 23, 1888.
161 *Ibid.,* November 23, 1888; *Code of 1887,* Chap. III, Sec. 21, pp. 57-58.
162 Wheeling *Register,* November 23, 1888.
163 *Code of 1887,* Chap. III, Sec. 8, p. 53.
164 Vol. 31, *Reports of Cases Argued and Determined in the Supreme Court of Appeals* of West Virginia. (These and other Reports, hereafter referred to as W. Va.) p. 611, Fleming *v.* Commissioners. Decided November 28, 1888.

special session under the statute to ascertain the result of an election . . . ."[165]

Okey Johnson, president of the court, denying the writ to the petitioner, held that a superior court can and would, under specified conditions, issue a prohibition writ to a *quasi* judicial tribunal, but that the county court commissioners acted within their jurisdiction in deciding to recount Lewiston precinct. The state *Code* provided that commissioners' oaths must appear on the poll books of each precinct before voting began.[166]

The court ruled that, though in the case of Lewiston the usual *jurat* was wanting,[167] the commissioners did not exceed their jurisdiction[168] because they had the right,[169] as a judicial duty,[170] to decide the question upon evidence[171] "whether the oath was in fact taken before the precinct-commissioners . . . entered upon the discharge of . . . [their] duties . . . ."[172] "If the evidence . . . [were] insufficient, that would certainly be no ground upon which to base an application for a writ of prohibition."[173] Reasoning against the petitioned writ the court significantly said, "it is well settled that mere errors and irregularities, where the proceeding is within the jurisdiction of the tribunal, are not subject to prohibition."[174]

Kanawha County returns were not recounted only for Fleming's benefit but also for the benefit of and upon the insistence of John D. Alderson. Alderson had been a candidate against the Republican nominee, James H. McGinnis, for the state's third Congressional seat.

It would seem that Democrats had hoped to prevent a publication of the total election results by the legislature, both houses of which body were, in January, 1889, to meet jointly to declare the gubernatorial winner. This aim

[165] *Ibid.*, p. 612.
[166] *Ibid.*, p. 614; *Code of 1887*, Chap. III, Secs. 8, p. 53, and 21, pp. 57-58.
[167] 31 *W. Va.*, p. 620.
[168] *Ibid.*, p. 619.
[169] *Ibid.*, p. 620.
[170] *Ibid.*, p. 618.
[171] *Ibid.*, p. 620.
[172] *Ibid.*, p. 618.
[173] *Ibid.*, p. 620.
[174] *Ibid.*, p. 619.

would succeed if a prolonged recount in Kanawha County could be held until the legislature had met and declared the other state officers. Was it possible that the plan might cause the legislature to investigate the Kanawha election and consequently throw out the whole county vote for both Fleming and Goff? If so, the other counties would elect Fleming.[175]

A few days after the Democrats failed to get a favorable decision for a writ (Fleming *v.* Commissioners, November 28, 1888) prohibiting the Kanawha County court commissioners from counting Lewiston precinct, Democratic counsel, again lead by St. Clair, appealed to the Supreme Court for Alderson (Alderson *v.* Commissioners, December 5, 1888).[176] The causes were simple in themselves and were unfavorable to the Democrats. In the original precinct returns Alderson was credited with 3,329 votes and McGinnis with 4,658 votes. After the recount the gain gave Alderson 3,341 and McGinnis 4,638. The commissioners' chief procedure which might have needed correction was the manner in which they arrived at a conclusion in order to certify the returns to the Governor and the Secretary of State. They had refused to consider all the recounted tabulations which, with the returns of other counties of the district, would have elected Alderson.[177] For some precincts they counted the originally certified returns and in others they used the recount. In two precincts they rejected entirely the votes cast.[178] This manipulated tabulation was 3,122 or 3,325 for Alderson and 4,468 or 4,660 for McGinnis.[179]

In the Kanawha County recount Alderson demanded the commissioners to sign or give him a bill of exceptions containing some of their procedure in his recount. A bill

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[175] APPENDIX, TABLE III. See the total and Kanawha returns of each candidate.
[176] 31 *W. Va.*, pp. 633-649, Alderson *v.* Commissioners, Decided December 5, 1888.
[177] 32 *W. Va.*, p 455, Alderson v. Commissioners, Decided June 23, 1889; p. 641, Alderson *v.* Commissioners, Decided June 28, 1889.
[178] *Ibid.*, pp. 455, 641. Probably Lewisburg and Coalburg precincts; pp. 638-639, Fleming *v.* Commissioners, Decided June 28, 1889.
[179] *Ibid.*, p. 455, in Alderson *v.* Commissioners (June 23, 1889), Alderson stated the number 4,468 for McGinnis and 3,122 for himself; p. 641, in Alderson *v.* Commissioners (June 28, 1889), he stated 4,660 for McGinnis and 3,325 for himself.

of exceptions, he informed the counters, was needed for "he intended to review their proceedings by a writ of *certiorari* in the Circuit Court of Kanawha County."[180] He also asked the commissioners not to adjourn or certify the results of the count until he had prepared a bill of exceptions and had applied for a *mandamus*. He meant, by *mandamus,* to test whether the commissioners were bound to sign exceptions and not to certify the result until a writ of *certiorari* could be obtained from the circuit court to review their proceedings. The canvassers would not consent not to adjourn nor to certify the result of the election. Alderson claimed the commissioners aimed to certify the returns hurriedly and to adjourn and thereby defeat his right to have their proceedings reviewed. After the defendants appeared and argued certain phases of the case, the court issued a *mandamus* writ requiring a bill of exceptions to be signed and prohibiting the commissioners from adjourning and certifying the returns.[181]

In reviewing the case the court, considering that a candidate has a right by law to demand of canvassers in session a recount, opined that any candidate has a right to demand a bill of exceptions, and that "commissioners . . . sitting as canvassers . . . are subject to review by . . . [a] Circuit Court on a writ of *certiorari*."[182] Lastly, the opinion reads that should commissioners refuse to sign and settle a bill of exceptions "they will be required by *mandamus*" to do so.[183]

The Supreme Court had no power to prohibit the counting of votes in Lewiston precinct merely because of the questionable oaths of that precinct's commissioners. It would not have been rational for Alderson to apply to the high tribunal on the same grounds as Fleming. Naturally his test case was of a different character. The Alderson case decision, which became valuable to Fleming, ruled against the adjournment of the commissioners and against

[180] *Ibid.*, 31 *W. Va.*, p. 635.
[181] *Ibid.*, pp. 635-636.
[182] *Ibid.*, pp. 640-641.
[183] *Ibid.*, p. 646; Wheeling *Register*, December 2, 1888.

their certifying of the electoral returns before December 15. It also declared that the commissioners were bound to sign bills of exceptions and were subject to review upon a writ of *certiorari*. Fleming was thus assured of having the commissioners' actions reviewed in his case. St. Clair, it would seem, worked to avoid a duplication of court cases yet to be decided which could, if need be, apply to both Fleming and Alderson.

On December 6, St. Clair, J. E. Brown, and Malcolm Jackson, counsel for Fleming and Alderson, presented the Democrats' *mandamus* (Alderson *v.* Commissioners, December 5, 1888) from the high court to the Kanawha County court and demanded the commissioners to sign bills of exceptions and directed them to permit an examination of witnesses. John A. Hutchinson, A. Burlew, and colleagues represented Republican interests. The two former leaders were always among the lawyers acting for not only the Republicans but also for the Kanawha election commissioners in any Supreme Court case growing from the election.

The Democrats, as in their previous action (Fleming *v.* Commissioners, November 28, 1888), worked to have the Lewiston precinct excluded from the Kanawha count or recount, for they still claimed the votes illegal because two of the precinct commissioners had not been properly sworn.[184] Acting upon the evidence produced, the court commissioners discarded the Lewiston precinct votes.[185] This invalidation of votes, where Goff had a plurality of eleven.[186] placed Fleming nearer Goff. What the Democrats had lost in the Supreme Court, they had won before the county commissioners.

The little Democratic victory was short-lived when "a Commissioner of Coalburg precinct, A. C. Shaver, was produced and testified that at that precinct he swore the

[184] 31 *W. Va.*, pp. 611-612, Fleming *v.* Commissioners (November 28, 1888) gives two commissioners improperly sworn. *The* (Parkersburg Weekly) *State Journal*, December 13, 1888, reports one commissioner improperly sworn.
[185] *The* (Weekly) *State Journal*, December 13, 1888; Wheeling *Register*, December 7, 1888.
[186] 31 *W. Va.*, pp. 608-620, Fleming *v.* Commissioners (November 28, 1888.)

other commissioners; yet nobody swore him . . . ." *The* (Weekly) *State Journal,* Republican paper, reported the existence of "precisely the same state of affiairs" as in the Lewiston precinct.[187] The court commissioners relegated the Coalburg precinct votes to the Lewiston precinct category.[188] Coalburg precinct originally "gave a Democratic majority of 20 . . . ." The lower court's ruling gave "a gain of 11 to Goff and McGinnis, electing the latter . . .," reads *The* (Weekly) *State Journal.*[189] Alderson's fight however, did not stop here.

It has been heretofore shown that Alderson would have been elected by the Kanawha recount but the court commissioners preferred to intersperse some of the original counts with the recounts. [see p. 185].

Could the commissioners have connived to cooperate with the Republicans? It should be recalled that the county court had been accused, by intimation, of being under Republican control.

Commissioners and clerks from Charleston precinct were also examined but the results were inconsequential. The precinct officials "stated that the election was conducted according to law . . ." and any possible errors in counting would be due to over-worked and tired officers. Republican counsel tried to show that after original counting the precinct ballot box had been deposited and later meddled with in the county clerk's office. The court was dissatisfied with the evidence presented against Charleston precinct, especially since the ballots favorably corresponded with the poll book[190] It decided, however, to accept only the original returns rather than the recounted ballots.[191]

The consideration of more of the exceptional actions of the court commissioners toward Alderson's and Fleming's recount took most of the time while in session under the *mandamus* writ and the order prohibiting adjournment of

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[187] *The* (Weekly) *State Journal,* December 13, 1888.
[188] Wheeling Sunday *Register,* December 9, 1888.
[189] *The* (Weekly) *State Journal,* December 13, 1888.
[190] Wheeling *Register,* December 7, 1888.
[191] 32 *W. Va.,* p. 455, Alderson *v. Commissioners* (June 23, 1889.)

the body or certification of the results until bills of exceptions were signed. Disregarding every Democratic argument the commissioners accepted the original returns of Alum Creek, St. Albans, and Charleston while they accepted the recount of all other precincts of the county, excepting, of course, Coalburg and Lewiston precincts.[192] Considering the evidence at hand, such action was unjustifiable. Fleming favored including all recounts, even Lewiston and Coalburg.[193] Alderson would have been willing to exclude the recount vote of Lewiston, Alum Creek, and Fields Creek precincts because of the questions arising from those places in reference to the precinct commissioners' oaths.[194]

Throughout the whole procedure the commissioners brought forth witnesses but refused to allow either Fleming or Alderson to cross-examine them, to present witnesses, or to "introduce other evidence on the subject . . . ." When witnesses were examined to show that ballots had been tampered with and altered at Charleston and St. Albans, Alderson was not permitted to introduce any contradictory evidence.[195] The court commissioners finally signed and settled bills of exceptions, for Fleming[196] and Alderson [197] enabling each to petition for a writ of *certiorari.*

On December 15, the writ of *mandamus,* having been obeyed, "the inhibition preventing the commissioners from finally adjourning and certifying the result of the election was wholly removed" by the Supreme Court.[198]

Alderson's counsel later stated that the commissioners again intended to defeat any review of their recount proceedings by speedily certifying the Congressional election, this time, before a writ of *certiorari* could be obtained. Counsel believed, that the election returns had been certi-

[192] *Ibid.,* p. 455; pp. 638-639, Fleming *v.* Commissioners (June 28, 1889).
[193] *Ibid.,* pp. 638-639; *House Journal,* 1889, Fleming's notice of contest, p. 84.
[194] 32 *W. Va.,* pp. 455, 461, Alderson *v. Commissioners* (June 23, 1889).
[195] *Ibid.,* p. 455; pp. 638-639, Fleming *v.* Commissioners (June 28, 1889).
[196] *Ibid.,* p. 639; Wheeling *Register,* December 17, 1888.
[197] 32 *W. Va.,* p. 456, Alderson *v.* Commissioners (June 23, 1889); Wheeling *Register,* December 17, 1888.
[198] 31 *W. Va.,* p. 648; *The* (Weekly) *State Journal,* December 20, 1888.

fied but were kept from the Governor, until the bill of exceptions had been signed and the *mandamus* removed.[199] Before the commissioners acted, Democratic counsel, on the same day, the 15th, obtained an injunction from the circuit court of Cabell County to prevent the commissioners from sending the certificate to the Governor[200] In this way Alderson's election count, by *certiorari,* might still be changed and a certificate made out accordingly. When Fleming's writ of *certiorari* would be granted, it would be usable if the commissioners were still in session reviewing Alderson's case. (Fleming sued for a *certiorari* writ on January 4, 1889.[201])

Kanawha circuit court allowed Alderson a writ of *certiorari* on December 17, with an order restraining the commissioners from certifying the election to the Governor. Despite these writs and the injunction of the circuit court of Cabell County the commissioners sent the Congressional election certificate to the Governor as well as the Governor-elect's certificate.[202]

By the Kanawha circuit court a ruling was awarded, on Alderson's motion, for the commissioners to give reasons why they should not be punished for violating the injunction. This contempt rule the court quashed, on the defendants' urging, because it was "improvidently awarded . . . for want of jurisdiction." Too, the injunction "was dissolved for want of jurisdiction."[203]

In June the Supreme Court, in an academic case (Alderson *v.* Commissioners, June 28, 1889), held that the circuit court had not erred in disolving the injunction and the rule of contempt for "equity has no jurisdiction to enjoin commissioners from certifying—the result of their canvass—in their county for a representative in the Congress of the United States." Answering the matter

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[199] 32 *W. Va.*, p. 642, Alderson *v.* Commissioners, Decided June 28, 1889; Wheeling *Register,* December 17, 1888.
[200] 32 *W. Va.*, pp. 642-643; *The* (Weekly) *State Journal,* December 20, 1888; Wheeling *Register,* December 17, 1888.
[201] 32 *W. Va.*, p. 3, Fleming *v.* Guthrie, Decided January 12, 1889.
[202] *Ibid.*, p. 643; Wheeling *Register,* December 19, 1888.
[203] 32 *W. Va.*, p. 643.

about contempt the court announced that, "An appeal from a decree in a suit in equity will not bring up for review an order discharging a rule to show cause why the party shall not be punished for contempt in disobeying an order of injunction made in such suit."[204]

When the circuit court of Kanawha County awarded the writ of *certiorari* to Alderson, it remanded its cause to the Kanawha County canvassers, telling them to meet and do the duty expected of them when they originally met to decide the Congressional election. The Democrats must have become perturbed. Though Alderson received proper election credentials from Governor Wilson on March 4, St. Clair and his colleagues submitted the case, in June, to the Supreme Court (Alderson *v.* Commissioners, June 23, 1889.] They wished to determine whether the circuit court erred in refusing to decide all the points of error and in returning the case to the commissioners "without . . . specific rulings or instructions . . . , so . . . the parties and the commissioners might have the benefit of the decision of the Circuit Court . . . ." This case is also academic and valuable but the reasoning contained in the decision is somewhat lengthy.[205]

In passing it might be suitable merely to mention the court's more important declarations. It found:

> the Circuit Court should decide all matters of law and fact, including those on the merits fairly arising on the records, either affirming such judgment or order, or reversing or modifying it, and should render such judgment as the inferior tribunal should have rendered, or remand it to that tribunal, where further proceedings are necessary with distinct decision on the points involved in the latter event . . . . The Circuit Court, where . . . further proceedings are necessary can not retain and try the cause, but must remand it to the inferior tribunal . . .[206]

When one obtains a bill of exceptions, as did Alderson, "and the count is completed and the result declared" and as a consequence of the exceptions a writ of *certiorari* has

[204] *Ibid.*, pp. 640-641, Alderson *v.* Commissioners (June 28, 1889).
[205] *Ibid.*, p. 456, Alderson *v.* Commissioners (June 23, 1889).
[206] *Ibid.*, p. 454.

been awarded, the court "Held, that commissioners are not *functus officio,* but are yet competent to canvass the returns in compliance with the order of the Circuit Court."[207] Judge Henry Brannon, rendering the decision, concluded that the canvasser's "function is never performed, until the act is completed,"[208]

After the Democratic attorneys secured for Fleming a writ of *certiorari* and it served its purpose, the circuit court of Kanawha County, to Fleming's pleasure, on April 8, 1889, reversed the decisions and discriminations complained of in the original petition for the writ. The circuit court did not determine the rest of the cause but instead, to Fleming's agitation, "directed the commissioners to meet again and perform the duty of canvassing the returns for governor . . . ." At the meeting, cross-examination of witnesses and the introduction of evidence was allowed by the court. The commissioners had refused Fleming these liberties at the original recount. Because of the displeasing action of the circuit court, Fleming submitted a case (Fleming *v.* Commissioners, June 28, 1889) to the Supreme Court against the commissioners on June 17, hoping to reverse the inferior court's decision and make it hear and determine the commissioners' proceedings which it had not considered.

The Supreme Court referred to the kindred case of Alderson *v.* Commissioners (June 23, 1889) *supra,* but could not declare along similar lines of that case's decision because Fleming's petition had not contained his bill of exceptions or the commissioners' record.[209] Because his petition failed to show, "that he was prejudiced by the errors complained of, is not sufficient to justify the award of such writ [of *certiorari* directed toward the Circuit Court], and will be held bad without demurrer at the hearing; and a judgment of a Circuit Court reversing the action of the commissioners upon a *certiorari* based on such peti-

[207] *Ibid.*
[208] *Ibid.*, 463.
[209] *Ibid.*, 639, Fleming *v.* Commissioners, Decided June 28, 1889.

tion will be reversed here with costs in this Court against the party who filed such petition."[210]

While the courts acted on the Kanawha County canvass, party forces worked throughout the state gathering evidence to substantiate fraud charges. A notorious method of uncovering fraud occurred in Mercer County late in November. There Judge David E. Johnson inaugurated an investigation. Mine operators were compelled to present their payrolls to the grand jury for inspection. A Democratic journal published that from the rolls the jury listed nearly a hundred men, mostly boss-dominated Negroes, each of whom cast ballots in Mercer and McDowell Counties while being registered voters in Pocahontas, Virginia.[211] Mercer County's action exemplified efforts elsewhere to gather fraud evidence. The Republican *Preston County Journal* broadmindedly admitted of the possibility of fraudulent voting throughout the state for both parties.[212] A more correct idea may be found, but this one would seem to describe the voting situation of election Tuesday.

St. Clair and other Democrats who cooperated in gathering fraud evidence, armed Fleming with material to contest Goff's questionable election. Newspapers made it clear that the face of the returns, with the Kanawha County certificate included, gave Goff a lead of 106 votes. A 110-vote lead was a more authentic number, based on the county returns sent to Henry S. Walker, Secretary of State. In late December, Fleming made a short visit in Charleston,[213] presumably to help his party's counsel complete and prepare his notice of contest, with specification and affidavits, which had to be served before January 6, 1889, the end of the sixty-day period permitted for such action by state law as reckoned from election day.[214]

Fleming's notarized notice of contest, with specifications for 35 counties, was delivered to Goff in Clarksburg on

[210] *Ibid.*, p. 637.
[211] Wheeling *Register*, November 26, 1888.
[212] *Preston County Journal*, January 10, 1889.
[213] *The* (Weekly) *State Journal*, December 27, 1888; Wheeling *Register*, December 27, 1888.
[214] *Code of 1887*, Chap. VI, Sec. 13, pp. 72-73.

January 2, 1889 by Robert Shuttlesworth.[215] It claimed 1,042 votes were fraudulently cast for Goff,[216] and that Fleming's plurality was 951 votes.[217] Under each county specifications were given the names of persons charged to have voted illegally, where they voted, and Fleming's reasons for objecting to each vote cast. A "great majority of these alleged illegal ballots were cast by colored repeaters in Kanawha, Mercer, McDowell, and Fayette Counties. These men were natives of Virginia but were brought to the polls in thinly populated districts and voted by the score."[218] One of Fleming's counsel told a Wheeling *Register* reporter that "there was great difficulty in securing competent testimony to establish fraud . . . on which [to base] the contest . . . ."[219]

Goff and his forces worked relentlessly to compose a return notice,[220] which, in less than the thirty days allotted for return notices, was accepted by Fleming on January 29.[221] It, too, charged fraud at specified voting precincts and in form and spirit was similar to Fleming's notice but it contained forty-nine specifications.[222] Governor E. Willis Wilson later maintained that Goff challenged votes on technicalities, while Fleming challenged them for being illegally cast.[223] The *Preston County Journal* epitomized Republican faith in "the General" by announcing that he would "exhaust every lawful means to make effectual his election as Governor . . . ."[224]

Skepticism ran rampant in early January. The bone of contention was in obvious outline with two growling forces at bay on each side ready to hurtle.

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[215] *House Journal*, 1889, p. 99; *The Sentinel*, January 5, 1889; APPENDIX, Table III.
[216] *Preston County Journal*, January 10, 1889; Wheeling *Register*, January 3, 1889.
[217] *House Journal*, 1889, p. 93.
[218] *Preston County Journal*, January 10, 1889.
[219] Wheeling *Register*, January 3, 1889.
[220] *Preston County Journal*, January 10, 1889; Wheeling *Register*, January 7, 1889.
[221] *House Journal*, 1889, p. 308; APPENDIX, Table III.
[222] *Ibid.*, pp. 158-307.
[223] Wheeling *Intelligencer*, August 2, 1889.
[224] *Preston County Journal*, January 10, 1889.

INDECISION

Democrats and Republicans continued to gather strength in early January, for the legislature was to meet jointly in a few days to decide which persons had been elected to the state's more important offices.

Democratic politicians and St. Clair noticed the least evidence cast their way which might bring to light illegal votes. Fleming, St. Clair, and no doubt other closely allied persons, circulated inquisitive letters among former Democratic election commissioners of the several counties and among any men who might uncover suspicious evidence with reasonable proof.[225] These and voluntary reports aided the Democrats to compile Fleming's notice of contest with specifications to Goff. Similar teamwork was carried on by Goff, the Republican attorneys, John A. Hutchinson and William P. Hubbard, and their party men.[226]

Mercer County's circuit court indicted many persons for having illegally cast votes.[227] The United States District Court took a hand in an election investigation which appeared to be assuming statewide proportions. Under Judge John J. Jackson's guidance it summoned witnesses before the Grand Jury from Fayette, Greenbrier, Hancock, Jackson, Kanawha, Marion, McDowell, Mercer, Monongalia, Monroe, Ohio, Preston, Roane, Webster, Wetzel, Wirt, and Wyoming Counties.[228]

Toward the end of the first week in January legislators, politicians, office-seekers, and others including a few statesmen, swooped down upon Charleston to plan action preparatory to the convening of the legislature.[229] Parties corralled their men into caucuses to arrange, if possible, especially, for filling the offices of speaker of the House,

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[225] J. M. Hauser to Fleming, November 30, 1888; J. W. St. Clair to Samuel Woods, December 11, 1888; Robert W. Monroe to Fleming, December 17, 1888; George W. Fleming to *id.*, December 25, 1888; A. L. Taylor to *id.*, January 12, 1889, Fleming MSS.

[226] *Preston County Journal*, January 3, 1889; Wheeling *Register*, January 6, 1889.

[227] Wheeling *Register*, January 4, 1889.

[228] *Ibid.*, January 5, 1889.

[229] *Ibid.*, January 6, 7, 1889.

president of the Senate and also of United States Senator. An additional question was the gubernatorial election.[230]

The biennial meeting of both branches of the legislature took place on the second Wednesday of the month, January 9, and at 2:30 P. M., Henry S. Walker, Secretary of State, presented to the House of Delegates "the returns in his possession [*sic*] of the election held for Governor," and other offices, which had been forwarded to him by the several county returning boards. In a written communication he told that "the Circuit Court of Kanawha County" had by injunction prohibited him from transmitting the Kanawha County certificate for Governor to the speaker of the House.[231]

According to the 1872 state constitution and *Code,* the county election returns which were sent to the Secretary of State were directed to the speaker of the House of Delegates and as soon as the organization of the House was completed, the speaker was to open the sealed returns and thereby publish them in the presence of a majority of each house of the legislature, in joint session.[232]

The Democrats may have hoped to forestall Fleming's certification to Walker, when Alderson obtained his injunction from the circuit court of Cabell County to prohibit the Kanawha County commissioners from certifying the Congressional election certificate to Walker and Governor E. Willis Wilson. Kanawha election officials, however, ignored the injunction by forwarding all returns on December 15.[233] Without Kanawha, Fleming's election was assured.[234]

Another method of handling the Kanawha County returns evolved. The canvassers had granted a bill of exceptions to Fleming. On January 4, St. Clair sued for a writ of *certiorari* for his client so that the Kanawha Coun-

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[230] *Ibid.,* January 6, 8, 1889.
[231] *House Journal,* 1889, p. 7.
[232] *Constitution of 1872,* Art. VII, Sec. 3; *Code of 1887,* Chap. III, Sec. 23, p. 59.
[233] 32 *W. Va.,* p. 3, Fleming *v.* Guthrie, Decided January 12, 1889; pp. 642-643, Alderson *v.* Commissioners, Decided June 28, 1889.
[234] *The Preston County Journal,* January 10, 1889.

ty commissioners' counting methods might be reviewed.[235] If obtained before the legislature could declare a candidate elected Fleming may still have had an opportunity to be named Governor through a changed result of the one county. The *certiorari* writ was not immediately granted. As late as April 8, the circuit court reversed certain decisions of the Kanawha County commissioners in favor of Fleming[236] When the legislature met Fleming's petition for *certiorari* was pending.[237]

Fleming took a further step to prevent the original Kanawha County returns from being presented to the legislature when, on January 9, he received from Circuit Judge A. E. Campbell an injunction prohibiting Walker from so delivering the returns.[238] Walker had waited until the afternoon before delivering any returns. He was strongly interested in Fleming's case and possibly he purposely avoided presenting the returns earlier in the day; he may have preferred to wait until the injunction was obtained.

Walker broke no laws. No provisions existed to tell the exact time returns were to be presented to the speaker of the House of Delegates, though it was understood that the presentation of returns must take place during the time the House was being organized or immediately thereafter.[239]

Republican counsel was not easily perturbed. Without notifying Fleming, Goff, who was also named a defendant with Walker in the injunction, received from Judge Francis A. Guthrie of the Kanawha County circuit court a writ of *mandamus nisi,* returnable at 9 o'clock A.M., January 10, to compel Walker "to do what he had been enjoined from doing."[240] Walker was, thus, to overlook the injunction and proceed to deliver the Kanawha County gubernatorial certificate to the speaker of the House.

Guthrie had cognizance of the existing injunction, and from the bench deliberately proclaimed that he would ig-

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[235] 32 *W. Va.*, p. 3.
[236] *Ibid.*, p. 639, Fleming *v.* Commissioners, (June 28, 1889).
[237] *Ibid.*, p. 3.
[238] *Ibid.*, p. 2.
[239] *Constitution of 1872*, Art. VII, Sec. 3; *Code of 1887*, Chap. III, Sec. 23, p. 59.
[240] 32 *W. Va.*, p. 2, Fleming *v.* Guthrie (January 12, 1889).

nore it. This stand aroused the Democratic attorneys, St. Clair and Okey Johnson, who sensed Fleming's danger and Walker's dilemna of not knowing which court to obey. They asked that the Supreme Court issue a rule against Guthrie and Goff to show why a prohibition writ should not be issued against a Judge for ignoring and setting aside the injunction and for considering the *mandamus* case without notifying Fleming or giving him an opportunity to appear before the circuit court to defend his involved interests.[241]

The court granted the rule returnable on January 11 when the respondents appeared and motioned that the rule be quashed. Republican attorneys, Hutchinson and Hubbard, claimed the injunction awarded by Judge Campbell was void, "because a court of equity has no jurisdiction to restrain a public officer from performing a plain duty required by the constitution." The respondents continued to say that if the injunction were awarded upon any jurisdiction or right "then the action of the Circuit Court in the *mandamus* proceedings . . . [was] such an abuse of its powers and jurisdiction as . . . [would] be prevented by prohibition." The court considered the respondent's motion to quash the rule through the pivotal question of whether Judge Campbell had jurisdiction to award the injunction. The decision was made on January 12.[242]

Judge Adam C. Snyder, president of the high court, held that a court of equity had no jurisdiction to enjoin the Secretary of State from delivering election returns, "properly transmitted to him," to the speaker of the House of Delegates. In treating as null and void the injunction, Guthrie had not erred.[243] Quoting Walton *v.* Develing, 61 Ill. 201, the court declared that "where the law plainly requires an officer to perform a duty," and he proceeds without abusing "his power" he and "the court . . . must be governed by the law." This idea makes writs of in-

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[241] *Ibid.*, p. 2.
[242] *Ibid.*, p. 3.
[243] *Ibid.*, p. 1.

junction and *mandamus,* in such cases, invalid.[244] One department of government, the court said, "shall not invade any other" and the assembly, possessing "the power to coerce the production of papers and documents, . . . would not require the aid of the courts" to compel the Secretary of State to deliver the papers if it deemed the delivery Walker's duty.[245] The assembly would not need to resort to a court *mandamus* to force delivery of returns, nor could the courts restrain by injunction the delivery of election returns to the assembly.[246]

The judiciary stated that the injunction's issuance was presumably prompted by the convening of the legislature, otherwise it would not apply to the Secretary of State, for at no other time could he deliver the election returns.[247]

Though the *mandamus* case appeared to have no jurisdiction, the Supreme Court sustained the respondents' motion to quash the rule, because Fleming had petitioned the court only on the ground that he was the plaintiff in the injunction suit and that the injunction was ignored.[248]

On January 22, each branch of the legislature was prepared to receive Governor Wilson's biennial message which was ready when the session first convened.[249] Almost at the outset in a division entitled "Fraud and Corruption in Elections," Wilson extolled the American system of voting and vociferously deplored and condemned the misuse of the ballot as "more dangerous than open revolt" to the "foundation" of the "superstructure of our political fabric." He decried the raising of funds for campaign expenses and distributing them "to corrupt the voter and defeat the public will," and of selecting men for public office because of their "wealth and . . . willingness to . . . defile the ballot box."[250]

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[244] *Ibid.*, pp. 3-4.
[245] *Ibid.*, pp. 4-5.
[246] *Ibid.*, p. 5.
[247] *Ibid.*, pp. 5-6.
[248] *Ibid.*, pp. 1, 6; *The Preston County Journal*, January 17, 1889.
[249] *House Journal*, 1889, p. 98; *Journal of the Senate of West Virginia*. 1889. (Each *Senate Journal* hereafter referred to as *Senate Journal*, followed by the proper time reference), p. 97.
[250] *House Journal*, 1889, p. 99.

Though his thesis may not have been entirely infallible because of the expansion of population and industry, Wilson strove to show by figures that the numerous reports of election frauds had foundation of fact. He gave a "nice picture" of the election of 1888 when he wrote:

> The capitations of 1884 were 133,522, and the entire vote, after the most active political campaign . . . in the State, 137,587. The capitations for 1888 were 147,408, and the entire vote 159,440. The difference in the capitation and the vote in 1884, was 4,065; in 1888, it . . . [was] 12,032. This shows an increase of votes in four years of 21,853, which, if legitimate, would indicate a population of 900,000, and an increase in four years of much more than 100,000. It is certain that no such increase has taken place.[251]

In his biennial message, Wilson gave suggestions for the revision of the state's election laws to prevent bribery and illegal voting[252] and, later, in a special message he again stressed the need for this legislation.[253]

The constitution of 1862 allowed the legislature to provide "for a registry of voters," and to pass necessary laws to prevent "intimidation, disorder, or violence, at the polls, and corruption or fraud, in voting."[254] Under this clause a statute provided for compulsory registration of voters and for a board of registration, the latter having appellate jurisdiction to determine a person's questioned right to vote.[255] Legislative enactments also provided "test oaths" for certain classes of citizens, that they were to take an oath "that they had not . . . borne arms against the United States

[251] *Ibid.*, p. 100.
[252] *Ibid.*
[253] *Ibid.*, pp. 379-380.
[254] *West Virginia Constitution of 1862* (Hereafter referred to as *Constitution of 1862*), Art. III, Sec. 12.
[255] *The Code of West Virginia Comprising Legislation to the Year 1870*, with an Appendix, Containing Legislation of that Year (This work, hereafter referred to as *Code of 1870*), Wheeling, West Virginia, John Frew, Public Printer (1868), Chap. III, Secs. 22, pp. 58-59, 26, p. 49, and 44, p. 55, relate to the compulsory registration of voters and provide a Board of Registration.
The appellate jurisdiction of the Board of Registration is shown in Secs. 28, p. 50, 35, pp. 42-53, 38, p. 53, 40, p. 54.
Secs. 27, pp. 49-50, and 47, p. 55, were among other chief statutes, including registrars' duties and requirements, which provided for the registration system.
Sec. 54, p. 56, required all registrars, members of Boards of Registration, and clerks to take specified oaths. Here, Chap. IX, Secs. 1, pp. 76-77, 2, and 5, p. 77 of this *Code* (1870) and Art. III, Sec. 5 of the *Constitution of 1862* are worthy of notice.

or . . . West Virginia, or . . . [the restored government of Virginia, or] given aid or comfort to persons" in such hostilities.[256] The provided "test oath" which a registrar could demand of an applicant and the registration laws were used in conjunction with an amendment added to the constitution in 1865 which disfranchised former Confederates and their allies.[257] One who could not take the "test oath" automatically fell under the constitutional voting ban.[258]

Many of the persons who had been supporters of the Confederate States of America were disfranchised Democrats.[259] In 1870 certain "test oaths" were removed,[260] but the registration oath remained. Judge Jackson of the United States district court "declared that the Fifteenth Amendment applied to white men as well as to black men" and that election officials were to register all men who wished to vote. The Democrats, thereby, gained control of the state in the autumnal election and "the legislature of 1871 made quick work of the removal of all disabilities."[261]

Delegate William H. H. Flick's proposed amendment entitling all male citizens to vote, excepting minors, the insane, paupers, etc., was submitted to a popular referendum and adopted.[262] Further Democratic strength was vigorously apparent in the constitutional convention of 1872 and was felt in the new constitution which amply provided for the safety of the civil and political liberties that had been formerly infringed.[263]

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256 Callahan, *op. cit.*, Special Article: George E. Price, "Political Development," p. 454; *Code of 1870*, Chap. XLV, Sec. 32, p. 299, Chap. CVI, Secs. 26, p. 561, 27, pp. 561-562, 28, p. 562, 29, pp. 562-563, and 30, p. 563, Chap. CXIX, Sec. 3, pp. 589-590, and Chap. CXXXVI, Secs. 10, pp. 645-646, 11, 12, and 13, p. 646.

257 Callahan, *op. cit.*, p. 453; *Code of 1870*, Chap. III, Sec. 35, pp. 52-53; *Constitution of 1862*, Art. III, Sec. 1. Sec. 27, pp. 49-50, of the above Chap. III, contains the oath which a registrar could require of an applicant for registration.

258 Callahan, *op. cit.*, p. 458.

259 *Ibid.*, *pp.* 167, 455-458; Ambler, *op. cit.*, pp. 436-437.

260 Callahan, *op. cit.*, pp. 167, 456.

261 Ambler, *op. cit.*, pp. 435-436; Callahan, *op. cit.*, p. 167.

262 Ambler, *op. cit.*, p. 436; Callahan, *op. cit.*, pp. 167, 456; Compare Flick's idea, which became Art. IV, Sec. 1, of the *Constitution of 1872*, with Art. III, Sec. 1, of the *Constitution of 1862*.

263 Callahan, *op. cit.*, pp. 172, 457-458; Ambler, *op. cit.*, pp. 436-437, 439-440; *Constitution of 1872*, Art. III, Secs. 11 and 12, Art. IV, Secs. 1 and 12, Art. VI, Sec. 43, and Art. VIII, Sec. 20.

Professor Ambler of West Virginia University has said that "the Democrats had only themselves to blame" for the election situation of 1888. "It will be recalled that the constitution of 1872, made by them, forbade the registration of voters and restricted the power of the legislature in regulating elections."[264] To permit ex-Confederates to be free from stigmatic "test oaths" as a voting criterion, the constitution of 1872 specifically allowed no prerequisite "test oath" and allowed no "board or court of registration of voters" to be authorized by the legislature and provided that "no citizen would ever be denied" the right to vote because his name had "not been registered or listed as a qualified voter."[265]

Registration might exist but voting was not to depend upon it. Wilson favored a registration of voters, in his biennial message, when he interpreted the constitutional provision disallowing a *board* or *court* of registration as not meaning opposition to a "single registrar for a county, or one for each magisterial district, [which] would not constitute a board, nor could such constitute a court unless judicial functions . . . [were] conferred." He proposed that *prima facie* evidence of a person's right to vote be registration and that new registrants be required to prove their voting "qualifications before the commissioners of election, who should record them as unregistered voters." Wilson also preferred that ballots be numbered to afford some correspondence with the poll books or that some other mode be found as a means to identify ballots in election contests.[266]

Wilson's message met with the approval of many men of the two major parties, though the spirit of some of his political opponents of the Republican party might be mirrored in the words of *The Preston County Journal*. In conclusion this paper reported the message to be "a reasonably good document, . . . as good as could be expected from

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[264] Ambler, *op. cit.*, p. 461.
[265] *Constitution of 1872*, Art. III, Sec. 11, Art. VI, Sec. 43, and Art. IV, Sec. 12.
[266] *House Journal*, 1889, p. 101; *Senate Journal*, 1889, p. 98.

a man of the Governor's ability."[267] In its very next issue the paper considered the message "a document that . . . ought to be read, for it touches . . . live questions . . . ."[268] Wilson called the extra session of the legislature in 1890 on several counts, including the gubernatorial contest and further revision of the state's election laws, and to his message reiterating his desires for better election laws was appended an election reform bill.[269] At least an upshot of the 1888 election and of the urgent appeal of the Governor for election reform were revisions adopted in 1889 and 1890. In 1891, the Australian ballot system was finally adopted, though "the registration of voters had to await a constitutional amendment, ratified eleven years later."[270]

Ill feeling among the parties increased when many days were spent to decide issues other than the election of state officers. Of this period after the election William A. MacCorkle said:

> Every element of discord had been stirred up. The Republicans particularly were sore because they thought they were being bereft of their first victory in the state in many years. The Democrats . . . believed the Republicans had slipped up on them by the use of money and [by] unfair means were attempting to get control of the state government.[271]

Party lines were closely drawn between the two branches of the legislature, the Democrats controlling the lower house and the Republicans controlling the upper house. Throughout the state speculation was rife as to the results of the line-up. On joint ballot the Democrats had forty-six members, a majority of one vote.[272] Many Republican senators intensely disliked this outlook and it would seem that they pretended to be disunited[273] to delay the guber-

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[267] *The Preston County Journal*, January 10, 1889.
[268] *Ibid.*, January 17, 1889.
[269] *Senate Journal, Extra Session*, 1890, pp. 19-20; *House Journal, Extra Session*, 1890, pp. 18-19; Each *Journal* of the Extra Session hereafter respectively referred to as *Senate Journal*, 1890, and *House Journal*, 1890.
[270] Ambler, *op. cit.*, p. 462.
[271] MacCorkle, *op. cit.*, p. 440.
[272] *The Sentinel*, February 2, 1889.
[273] *Ibid.*, January 12, 19, 1889.

natorial issue itself, or else to provide time to devise a plan favorable to Goff.[274]

A Republican source said the Senate would have organized "on the first day" [but] "it was deemed best by the Republican leaders not to organize until the injunction [against Walker] was dissolved . . . . The result without Kanawha County . . . would have elected Fleming by 1400 majority." The same source reads that the Democrats protested that they did not want the result declared until the contest was decided.[275]

Senator Edwin Maxwell had wanted assurances that Goff would be declared governor on the *prima facie* election returns, otherwise he would persist in submitting to a disorganized Senate [276] until his point was gained and Goff's position confirmed. Other Republicans were reported to have similar theories.[277]

Walker had delivered the Kanawha County certificates on January 14.[278] Not until February 1, did the senators appear in the House of Delegates to name the new state officers,[279] although several times during the interval the House had communicated to the Senate its readiness to publish the certified returns for state officers.[280]

In harmony with the act of Congress passed on July 25, 1866, to choose a United States Senator, the first joint assembly convened on January 23 in the hall of the House of Delegates from noon until three o'clock.[281] West Virginians were kept in doubt over the senatorship for many days, because each meeting ended indecisively. Early, John E. Kenna and Goff lead the race, though such prominent men as Fleming, St. Clair, William L. Wilson, William P. Hubbard and others had a follower or two at each roll-call.[282] Little headway was made until as late as Feb-

[274] Wheeling *Register*, November 19, 20, 28, 1888; January 7, 1889.
[275] *The Preston County Journal*, January 17, 1889.
[276] *The Sentinel*, January 19, 1889.
[277] *Ibid.*, January 19, 1889; *The Preston County Journal*, January 24, 1889.
[278] *House Journal*, 1889, pp. 9-10.
[279] *Ibid.*, pp. 318-319.
[280] *Ibid.*, pp. 7, 10, 106, and elsewhere; *The Preston County Journal*, January 17, 1889.
[281] *House Journal*, 1889, pp. 112-113.
[282] *Ibid.*, pp. 108-113, 114, 115, and elsewhere.

ruary 21, the day preceding the legislature's permanent adjournment, when Kenna received a majority of votes cast, 46 to Goff's 45.[283]

Rumor had it that Goff's chief political aspiration was the senatorship.[284] If Goff had been chosen for the senatorship, the president of the Senate, Robert S. Carr, would have become Governor, *ex officio,* by constitutional provision, remaining in office until one had been properly chosen.[285]

A glance at the Senate record will show that the fight waxed strong over an influential minority who finally became victorious. Carr, a Republican Union Laborite, who was, in political parlance, termed "independent" and "doubtful," William Woodyard, Roane County, Joseph Snider, Monongalia County, and A. C. Minear, Tucker County, Republicans, would not attend Republican caucuses or support their contentions. These men had placed themselves on a Republican blacklist by supporting Camden for United States Senator in the preceding legislature, and their present stand was aided by their few Democratic colleagues in the Senate. Republican members were willing to allow the Democrats to organize the body providing Carr and Minear would not fill any important posts, a proposition the Democrats refused.[286] The staunchness of these few and the predicament they caused induced enough Republicans to elect Carr as the Senate's president on the 126th ballot.[287]

Republicans steadfastly determined to avoid a declaration for governor, if Goff were not to be named.[288] In time they realized their stubborn attitude was gaining them only the wrath of the taxpayer.[289] *The Sentinel* berated both houses of the legislature for avoiding the gubernatorial

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[283] *Ibid.*, p. 581; *Senate Journal*, 1889, p. 432.
[284] Wheeling *Register*, November 19, 20, 1888.
[285] *Constitution of 1872*, Art. VII, Sec. 16; *The Sentinel*, January 26, 1889.
[286] Wheeling *Register*, December 28, 1888; January 9, 1889.
[287] *The Preston County Journal*, January 24, 1889.
[288] *The Sentinel*, January 19, 1889; *The Preston County Journal*, January 24, 1889.
[289] *The Sentinel, January* 26, 1889.

issue by carrying on other legislation.[290] Finally, on February 1, a joint assembly met to name the state officers.[291]

Statutes laid down by the early state fathers were toyed with to meet political viewpoints, and each party did possess a dogmatic viewpoint. After the joint session moved toward the rousing gubernatorial issue the Democrats also showed a political stubbornness. They proposed that the contested election be decided before a declaration of governor be made.[292] This attitude was maddening to the Republicans, who held that it was improper in all its legal and constitutional aspects.[293]

Let us consider for a moment the two parties' contentions with their legal ramifications and interrelations. Immediately after the organization of the House, according to the constitution, the House speaker was to open the election returns before a majority of members of both legislative branches assembled in the House of Delegates' hall. Contested gubernatorial returns were to be determined by a joint vote of both houses "in . . . [a] manner . . . prescribed by law."[294] Fleming's and Goff's respective contest notice and counter notice with depositions by counties were already filed in the legislature and printed in the *House Journal* before the legislature met to name the next governor[295] according to the largest number of votes one candidate received.[296] Democrats pointed out that the contest should be decided first before determining the eighth governor and that this could be done according to the "manner . . . prescribed by law" in the *Code*.[297] At any rate no law specified that a governor should be named on *prima facie* returns when a contest was registered, nor that a contest should not be decided before a governor should be named.

In a "manner . . . prescribed by law" was the fortifying constitutional phrase upon which the Republicans leaned,

[290] *Ibid.*, January 19, February 1, 2, 1889.
[291] *House Journal*, 1889, pp. 318-319.
[292] *Ibid.*, pp. 322-325; *The Sentinel*, February 9, 1889.
[293] *Preston County Journal*, February 7, 21, 1889; *The Sentinel*, January 26, 1889.
[294] *Constitution of 1872*, Art. VII, Sec. 3.
[295] *House Journal*, 1889, pp. 47-93, 183-308.
[296] *Constitution of 1872*, Art. VII, Sec. 3.
[297] *The Preston County Journal*, January 31, 1889; *The Sentinel*, February 9, 1889.

for under it the *Code* specified that a gubernatorial contest was to be referred to a joint committee of three delegates and two senators "for examination and report." Upon its report, concurrence of the houses of the legislature was to determine the person rightly elected. The president of the Senate, furthermore, was named in the law as the presiding officer over this type of joint assembly, which, Republicans explained, was a judicial body and entirely different from the one presided over by the House speaker opening election returns. The protective tariff party stiffly maintained that the statutory law remained to be carried out after a man was declared governor on the *prima facie* returns.[298]

While the Democratic senators anxiously waited for their Republican colleagues to collect themselves to name a governor, Mexico Vanpelt provoked Senator Presley W. Morris' ire by resolving that the House be notified that the Democrats, at least, were prepared to meet in joint assembly. The suggestion that the Democratic House work with the Democratic senators was vigorously voted out of order.[299] Toward the end of January, Delegate Wellington Vrooman, Republican of Wood County, perhaps hoping to awaken his party in the Senate to its duty, ineffectively proposed that the election returns be opened by the House speaker who, of course, could not legally function without a majority of both houses being present.[300]

Records indicate that Delegate Joseph Sprigg, Democrat, and Senator Morris, Republican, were the dominant spokesmen for their parties in the joint assembly. During the session many points of order were raised and a vote to sustain a position always managed to use some of the legislature's valuable 45-day normal period of convening. Frequently the chair overruled Morris who usually raised parliamentary questions. At the joint assembly's beginning, General Sprigg presented Fleming's contest petition and a

[298] *The Preston County Journal*, January 31, 1889; *The Sentinel*, February 9, 1889.
[299] *The Preston County Journal*, January 17, 1889.
[300] *House Journal*, 1889, pp. 152-153.

copy of Fleming's *certiorari* writ granted by the Kanawha Circuit Court and filed them with the House clerk. Morris raised the point, after the papers were read, that they were contest material and that the convening assembly had met to count votes and declare the election of state officers.[301] " . . . Speaker Woods declared that the point was raised too late," and the assembly sustained him,[302] but the Republicans unavailingly wondered "how . . . it [could] be told that a paper was improper until it was known what it contained."[303]

Sprigg's resolution that the declaration for governor be withheld until the contest was decided, met with the disapproval of the Republicans, especially that of Morris.[304] Immediately after its passage Maxwell offered a resolution to publish all returns.[305] In these two resolutions is presented the crux of the whole Democratic and Republican argument. The ensuing debate was lively. In it Morris severely critized the speaker's ruling until Carr, president of the Senate, left his position next to the speaker and intervened with a threat to hold Morris to "personal account." After the blunt interruption Morris apologized to Carr and resumed speaking by deflating the "Democratic proceedings."[306] Major Alexander C. Moore, Harrison County delegate, ably presented the Republican theory. He declared that the opening of the returns was the speaker's duty and in conclusion he emphasized that, "This . . . joint assembly has nothing to do with the contest—that is to be tried by a joint assembly of another character. This proceeding is under the constitution. The contest is under the statute." Senator George E. Price made a lengthy and able speech from the Democratic viewpoint. Anthony D. Garden, William E. Lively, Sprigg, Price, John W. McCreery, and Senator Samuel L. Flournoy, Democrats, and

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[301] *Ibid.*, pp. 319, 320, 321; *The Preston County Journal*, February 7, 21, 1889.
[302] *House Journal*, 1889, p. 321; *The Preston County Journal*, February 7, 1889.
[303] *Ibid.*, February 7, 1889.
[304] *House* Journal, 1889, pp. 322, 325; *The Preston County Journal*, February 7, 1889.
[305] *House Journal*, 1889, p. 325.
[306] *The Preston County Journal*, February 7, 1889; *The Sentinel*, February 9, 1889.

Delegates Samuel R. Heanen, Daniel Mayer, Republicans, gave their opinions during different intervals of the debate.[307]

William E. Lively, Democratic delegate of Lewis County, offered a substitute for Maxwell's resolution. It was similar except that Lively purposely ignored the word *governor* when he listed the officers for whom his resolve provided.[308] Flournoy listened to a plea of Maxwell and consequently the former moved that an amendment be made to Lively's resolve to the effect that the returns for governor be opened but not recorded in the legislative journals, and that they be saved for the joint contest committee to be appointed according to law.[309] The amendment and Lively's resolution were accepted by a strict party vote defeating Maxwell's resolution.[310]

Under Sprigg's and Lively's resolutions the first official returns were opened, and after a few were read Senator Benjamin H. Oxley, Democrat, pointed out that under the adopted resolutions the returns for governor should not be read; they need be merely opened. He was overruled by Woods on the ground that his contention "was not well taken."[311] Then Sprigg resolved that the gubernatorial returns should not be read, but the majority vote was in the negative.[312] It is difficult to know whether the idea had shortly pounced upon Sprigg or whether he disfavored reading the returns when he accepted Flournoy's amendment.

The Democrats deftly resorted to one last move to prevent all the returns from being published. When the speaker prepared to read the Clay County returns Sprigg objected, because Fleming named illegal votes cast in Clay County. Sprigg lost.[313] Was this an effort to keep some returns pending for fear Goff might be declared elected

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[307] *House Journal*, 1889, pp. 328, 331; *The Preston County Journal*, February 7, 1889.
[308] *House Journal*, 1889, p. 334.
[309] *Ibid.*, p. 341; *The Preston County Journal*, February 7, 1889
[310] *House Journal*, 1889, p. 345; *The Preston County Journal*, February 7, 1889.
[311] *House Journal*, 1889, pp. 345-346, 347.
[312] *Ibid.*, pp. 347, 351-352.
[313] *Ibid.*, pp. 352-353.

at the end of the session through some political manipulation based on all the read returns? Oxley offered a resolution that the returns for governor from any county disputed in either Goff's or Fleming's contest notices be not read.[314] After a warm debate the resolution was finally adopted.[315] The shot in the dark interposed between reading election counts had reached its target. According to the legislature the returns already read were not to be construed by Fleming or Goff as claims to office. Opened and unopened returns were saved for the contest committee to be appointed.[316]

Morris, leading the opposition, presented a paper to the assembly entitled, "The Protest of Forty-Five Republican Members of the Legislature of West Virginia."[317] He had been sorely vexed throughout most of the joint combat and this move to register the Democrats as inferior statesmen and mere politicians on the official records would elevate the Republicans in the eyes of future generations. Morris was not to be satisfied, for the Democrats assented to Sprigg's counteracting resolution condemning the protest as containing untrue recitals couched in disreputable language and preventing its entrance upon the *House Journal*.[318]

The Fleming-Goff contest was only one troubled election matter with which the legislature had to cope. Contested seats in the House of Delegates over Mercer and Putnam Counties and over the third delegate district, comprising McDowell and Wyoming Counties, were also issues.[319] There were two contested seats in the Senate.[320] The certificate from Webster County for attorney general was absent, and one for auditor from Wood County was incomplete, issues which elicited a committee investigation.[321]

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[314] *Ibid.*, pp. 359-362.
[315] *The Preston County Journal*, February 14, 1889.
[316] *House Journal*, 1889, pp. 362, 382.
[317] *Ibid.*, p. 382; *The Preston County Journal*, February 14, 21, 1889.
[318] *House Journal*, 1889, pp. 386-387.
[319] *Ibid.*, pp. 11-22, 23-30, 32-38, 42-46, and 96-97; *The Preston County Journal*, January 24, 1889; *The Sentinel*, January 19, 1889.
[320] *The Preston County Journal*, January 24, 1889.
[321] *House Journal*, 1889, pp. 392, 393, 396, 426-428.

Another outstanding investigation, though far less striking than the gubernatorial question, resulted after A. B. Shelton, a delegate of Lincoln County, charged that one A. C. Ray, a Republican of Hamlin, Lincoln County, had attempted to bribe him to be absent from the assembly, and that one Henry Poteet, a Republican controlled Democrat of Barboursville, Cabell County, had similarly approached him after that body was organized. Both attempts, he claimed, were aimed to facilitate Goff's selection as United States Senator.[322]

For the joint contest committee to consider the evidence presented by Fleming and Goff[323] in the gubernatorial matter, the legislature provided its members *per diem* and mileage expenses.[324] On February 19, the Senate chose its two members allotted under the constitution. They were Republicans, Presley W. Morris of Ritchie County and Goff's old law partner,[325] Edwin Maxwell of Harrison County.[326] The next day the House of Delegates elected its allotted number, William L. Kee of Randolph County, William E. Lively of Lewis County, and Joseph Sprigg of Hardy County, all Democrats.[327] Party ties were strong in the November election and they continued through the selecting of the joint contest committee, a committee which by the essence of its political membership would quite likely function solely along party lines. The special assembly which would be called to decide the involved issue on the committee's findings would be similar in party strength to the regular 1889 biennial legislature, for its membership would be the same. At least the joint committee's existence satisfied the law creating it.

During the interval preceding the committee's report effort was spent to change the opinions of the closely aligned 46 and the 45 legislators, Democrats and Republicans respectively, on joint ballot. One vote could select a gov-

[322] *Ibid.*, pp. 148, 585-606.
[323] *Ibid.*, pp. 47-93, 184-308.
[324] *Ibid.*, pp. 613-614, 630.
[325] *Atkinson and Gibbens, op. cit.*, p. 226.
[326] *House Journal*, 1889, pp. 557-558.
[327] *Ibid.*, pp. 560-561; *The Sentinel*, February 23, 1889.

ernor. In future days, the committee was supposed to separate the chaff from the wheat in the many sided election story.

TABLE I.

1880 AND 1890 U. S. CENSUS RETURNS BY COUNTIES SHOWING THE INCREASE IN RACIAL AND VOTING POPULATION

Counties	*Caucasian*		*Negro*		*All Males 21 Yrs. and Over*	
	1880[1]	1890[2]	1880[3]	1890[4]	1880[5]	1890[6]
Barbour	11,413	12,204	457	498	2,586	2,973
Berkeley	15,452	17,005	1,928	1,694	4,085	4,631
Boone	5,635	6,715	189	170	1,214	1,431
Braxton	9,683	13,794	104	134	2,062	3,080
Brooke	5,928	6,545	85	114	1,494	1,816
Cabell	12,842	22,101	902	1,493	3,379	6,072
Calhoun	5,998	8,074	74	81	1,244	1,746
Clay	3,460	4,654	------	------	658	952
Doddridge	10,498	12,052	54	131	2,234	2,651
Fayette	10,438	17,488	1,122	3,054	3,043	5,415
Gilmer	7,061	9,696	47	50	1,516	2,048
Grant	5,038	6,423	503	379	1,247	1,734
Greenbrier	13,078	16,041	1,981	1,993	3,557	4,106
Hampshire	9,714	10,852	652	567	2,464	2,731
Hancock	4,854	6,392	24	21	1,202	1,920
Hardy	6,042	6,977	732	590	1,499	1,712
Harrison	19,292	21,158	889	760	4,552	5,310
Jackson	16,209	18,934	103	87	3,485	4,427
Jefferson	10,958	11,434	4,045	4,116	3,663	3,859
Kanawha	29,596	39,354	2,870	3,402	7,435	10,076
Lewis	12,943	15,627	323	261	3,024	3,982
Lincoln	8,687	11,035	52	211	1,800	2,331
Logan	7,220	10,416	109	685	1,539	2,753
McDowell	3,071	5,709	3	1,591	614	2,330
Marion	17,043	20,617	155	104	3,839	5,246
Marshall	18,607	20,449	233	236	4,420	5,281
Mason	21,431	22,104	859	759	4,928	5,196
Mercer	7,101	13,979	366	2,022	1,545	4,146
Mineral	8,141	11,604	489	481	2,004	2,976
Monongalia	14,668	15,477	317	227	3,440	3,951
Monroe	10,372	11,450	1,129	979	2,606	2,759
Morgan	5,580	6,469	197	275	1,316	1,595
Nicholas	7,165	9,287	58	21	1,462	1,982
Ohio	36,577	40,452	870	1,098	9,162	11,117
Pendleton	7,923	8,585	99	126	1,729	1,938
Pleasants	6,230	7,530	26	9	1,412	1,802
Pocahontas	5,657	6,461	334	353	1,285	1,579
Preston	18,885	20,221	206	134	4,292	4,684
Putnam	11,020	14,105	355	237	2,454	3,214
Raleigh	7,296	9,518	71	79	1,503	1,904
Randolph	7,990	11,371	112	262	1,834	2,732
Ritchie	13,410	16,585	64	36	2,902	3,702

(Continued on next page)

TABLE I. (Continued)

Counties	Caucasian		Negro		All Males 21 Yrs. and Over	
	1880[1]	1890[2]	1880[3]	1890[4]	1880[5]	1890[6]
Roane	12,145	15,274	39	29	2,522	3,281
Summers	8,262	11,990	771	1,127	2,021	2,975
Taylor	11,056	11,785	399	362	2,691	2,216
Tucker	3,126	6,276	29	183	685	1,674
Tyler	11,067	11,960	6	2	2,403	2,752
Upshur	10,048	12,458	201	256	2,236	2,968
Wayne	14,519	18,491	220	160	3,024	4,173
Webster	3,205	4,772	2	11	688	1,023
Wetzel	13,874	16,805	22	36	3,059	3,677
Wirt	7,091	9,387	13	24	1,561	2,178
Wood	24,081	27,700	925	910	5,814	6,921
Wyoming	4,258	6,177	64	70	827	1,173
TOTAL	592,537	730,077	25,886	32,690	139,161	181,400

[1] *Report on Population, 1890,* Part I, p. 435.
[2] *Ibid.*
[3] *Ibid.*
[4] *Ibid.*
[5] *Compendium of the Tenth Census* (June 1, 1880), Part I, pp. 604-605.
[6] These figures were compiled by the addition of the native white, the foreign white, and the colored population, all males, 21 years of age and over, given in the *Report on Population, 1890,* Part I, p. 788.

TABLE II.

VOTES CAST IN 1884 AND 1888 COMPARED WITH ALL MALES 21 YEARS OF AGE AND OVER IN 1880 AND 1890

Counties	A	B	C		D
	1880[7]	1884[8]	1888[9](a)	1888[10](b)	1890[11]
Barbour	2,586	2,643	2,984	2,970	2,973
Berkeley	4,085	3,687	4,195	4,195	4,631
Boone	1,214	1,126	1,273	1,272	1,431
Braxton	2,062	2,246	2,748	2,742	3,080
Brooke	1,494	1,471	1,595	1,507	1,816
Cabell	3,379	3,453	4,382	4,379	6,072
Calhoun	1,244	1,408	1,559	1,558	1,746
Clay	658	746	877	872	952
Doddridge	2,234	2,245	2,552	2,542	2,651
Fayette	3,043	3,570	4,566	4,557	5,415
Gilmer	1,516	1,669	2,013	2,009	2,048
Grant	1,247	1,218	1,405	1,405	1,734
Greenbrier	3,557	2,768	3,521	3,517	4,106
Hampshire	2,464	2,154	2,426	2,426	2,731
Hancock	1,202	1,170	1,170	1,165	1,920
Hardy	1,499	1,432	1,591	1,591	1,712
Harrison	4,552	4,544	4,800	4,796	5,310

(Continued on next page)

TABLE II. (Continued)

Counties	A	B	C		D
	1880[7]	1884[8]	1888[9](a)	1888[10](b)	1890[11]
Jackson	3,485	3,739	4,180	4,173	4,427
Jefferson	3,663	3,168	3,488	3,486	3,859
Kanawha	7,435	7,448	*8,075	8,053	10,076
Lewis	3,024	2,838	3,174	3,170	3,982
Lincoln	1,800	1,909	2,199	2,199	2,331
Logan	1,539	1,600	1,920	1,915	2,753
McDowell	614	580	992	927	2,330
Marion	3,839	4,147	4,505	4,493	5,246
Marshall	4,420	4,034	4,530	4,521	5,281
Mason	4,828	4,587	4,974	4,964	5,195
Mercer	1,545	1,560	2,779	2,634	4,146
Mineral	2,004	2,125	2,465	2,465	2,976
Monongalia	3,440	3,333	3,569	3,560	3,951
Monroe	2,606	2,372	2,565	2,565	2,759
Morgan	1,316	1,277	1,422	1,422	1,595
Nicholas	1,462	1,511	1,798	1,798	1,982
Ohio	9,162	8,891	9,632	9,623	11,117
Pendleton	1,729	1,600	1,794	1,794	1,933
Pleasants	1,412	1,273	1,498	1,494	1,802
Pocahontas	1,285	1,199	1,480	1,478	1,579
Preston	4,292	3,957	4,411	4,411	4,684
Putnam	2,454	2,944	2,944	2,944	3,214
Raleigh	1,503	1,541	1,731	1,724	1,904
Randolph	1,834	2,036	2,201	2,190	2,732
Ritchie	2,902	3,092	3,386	3,385	3,702
Roane	2,522	2,598	3,090	3,086	3,281
Summers	2,021	2,079	2,633	2,612	2,975
Taylor	2,691	1,599	2,805	2,795	2,916
Tucker	635	799	1,312	1,296	1,674
Tyler	2,403	2,427	2,701	2,698	2,752
Upshur	2,236	2,163	2,564	2,561	2,968
Wayne	3,024	3,054	3,476	3,470	4,173
Webster	688	771	954	954	1,023
Wetzel	3,059	3,140	3,687	3,685	3,677
Wirt	1,561	1,692	1,979	1,979	2,178
Wood	5,814	5,608	6,073	6,071	6,921
Wyoming	827	900	1,069	1,069	1,173
TOTAL	137,587	157,710	157,157	139,161	181,400

LEGEND: A—All males 21 years and over. B—Combined votes for Wilson and Maxwell. C—Combined votes for Fleming and Goff before (a) and (b) contest. D—All males 21 years and over.

* Based on the number of votes cast as appeared on the poll books. For discussion of Kanawha County votes see pp. 180-193. On Kanawha County also see Table III and IV of this Appendix

[7] *Compendium of the Tenth Census* (June 1, 1880), Part I, pp. 604-605

[8] *Official Directory, West Virginia Democratic State Committee,* (Compiled by W. E. Chilton, Chairman of the Democratic State Executive Committee), Charleston: M. W. Donnally, Printer, (1894), p. 6.

[9] *Ibid.*, p. 9; *Majority Report*, p. 153.

[10] *Ibid.*, p. 153; *Official Directory, West Virginia Democratic State Committee*, p. 9.

[11] See footnote no. 6, Table I.

TABLE III.

A COMPARISON OF FLEMING'S AND GOFF'S CLAIMS WITH CONTEST COMMITTEE AND ORIGINAL RETURNS FOR GOVERNOR

	Fleming's Claims 12		*Goff's Claims* 13		*Contest Committee and Original Returns* 14	
Counties	Fleming	Goff	Fleming	Goff	Fleming	Goff
					(1,501)*	(1,483)
Barbour	1,501	1,465	1,468	1,485	1,495	1,475
					(2,011)	(2,184)
Berkeley	------	------	------	------	2,011	2,184
					(742)	(531)
Boone	------	------	731	531	741	531
					(1,667)	(1,081)
Braxton	1,667	1,073	1,613	1,082	1,657	1,075
					(800)	(795)
Brooke	807	761	756	795	796	711
					(2,401)	(1,981)
Cabell	2,401	1,978	2,392	1,981	2,398	1,981
					(934)	(625)
Calhoun	------	------	930	625	933	625
					(414)	(463)
Clay	414	458	405	464	413	469
					(1,147)	(1,405)
Doddridge	1,148	1,393	1,133	1,403	1,147	1,395
					(1,917)	(2,649)
Fayette	1,917	2,594	1,871	2,649	1,915	2,642
					(1,170)	(843)
Gilmer	1,170	833	1,151	845	1,168	841
					(378)	(1,027)
Grant	378	1,024	374	1,027	378	1,027
					(2,124)	(1,397)
Greenbrier	------	------	2,090	1,395	2,120	1,397
					(1898)	(528)
Hampshire	------	------	1,801	528	1,898	528
					(486)	(684)
Hancock	487	676	477	654	483	682
					(1,153)	(438)
Hardy	------	------	------	------	1,153	438
					(2,155)	(2,645)
Harrison	2,155	2,641	2,148	2,645	2,151	2,645
					(1,937)	(2,243)
Jackson	1,937	2,234	1,891	2,243	1,930	2,243
					(2,350)	(1,138)
Jefferson	------	------	2,332	1,141	2,348	1,138
					(3,296)	(4,779)
Kanawha*[15]	3,296	4,717	3,067	4,796	3,295	4,758
					(1,616)	(1,658)
Lewis	1,616	1,556	1,596	1,561	1,616	1,554

(Continued on next page)

TABLE III. (Continued)

Counties	*Fleming's Claims* 12		*Goff's Claims* 13		*Contest Committee and Original Returns* 14	
	Fleming	Goff	Fleming	Goff	Fleming	Goff
					(1,245)	(954)
Lincoln	------	------	1,241	954	1,245	954
					(1,530)	(390)
Logan	------	------	995	392	1,525	390
					(409)	(583)
McDowell	409	431	406	583	409	518
					(2,307)	(2,198)
Marion	2,307	2,179	2,261	2,199	2,300	2,193
					(1,816)	(2,714)
Marshall	1,816	2,692	1,781	2,715	1,815	2,706
					(2,307)	(2,667)
Mason	2,307	2,647	2,267	2,667	2,305	2,659
					(1,373)	(1,406)
Mercer	1,373	983	1,099	1,406	1,367	1,267
					(1,211)	(1,254)
Mineral	1,219	1,233	1,187	1,262	1,211	1,254
					(1,353)	(2,216)
Monongalia	1,355	2,195	1,349	2,216	1,352	2,208
					(1,331)	(1,234)
Monroe	------	------	1,299	1,237	1,330	1,235
					(544)	(878)
Morgan	544	875	538	878	544	878
					(1,007)	(791)
Nicholas[16]	------	------	1,006	791	1,007	791
					(4,863)	(4,769)
Ohio	4,863	4,749	4,707	4,771	4,860	4,763
					(1,011)	(783)
Pendleton	1,011	782	------	------	1,011	783
					(804)	(694)
Pleasants	804	684	785	694	802	692
					(892)	(588)
Pocahontas	------	------	890	588	890	588
					(1,406)	(3,003)
Preston	1,406	2,994	1,401	3,006	1,406	3,005
					(1,374)	(1,570)
Putnam	------	------	1,360	1,570	1,374	1,570
					(923)	(808)
Raleigh	923	804	900	808	919	805
					(1,424)	(777)
Randolph	------	------	1,413	777	1,414	776
					(1,403)	(1,983)
Ritchie	1,403	1,974	1,384	1,983	1,402	1,983
					(1,633)	(1,457)
Roane	1,633	1,448	1,624	1,457	1,629	1,457

(Continued on next page)

TABLE III. (Continued)

Counties	*Fleming's Claims* [12]		*Goff's Claims* [13]		*Contest Committee and Original Returns* [14]	
	Fleming	Goff	Fleming	Goff	Fleming	Goff
					(1,353)	(1,280)
Summers	1,353	1,257	1,341	1,280	1,353	1,259
					(1,221)	(1,584)
Taylor	1,221	1,570	1,200	1,584	1,213	1,582
					(675)	(637)
Tucker	675	614	------	------	675	621
					(1,140)	(1,561)
Tyler	------	------	1,131	1,561	1,138	1,560
					(838)	(1,731)
Upshur[17]	833	1,723	831	1,732	832	1,729
					(2,057)	(1,419)
Wayne	------	------	1,711	1,419	2,051	1,419
					(659)	(295)
Webster	659	291	658	291	659	295
					(2,285)	(1,402)
Wetzel	2,285	1,400	2,274	1,406	2,283	1,402
					(1,050)	(929)
Wirt	------	------	1,042	929	1,050	929
					(2,776)	(3,297)
Wood	------	------	2,772	3,297	2,774	3,297
					(506)	(563)
Wyoming	------	------	------	------	506	563
					(78,818)	(78,892)
TOTAL[18]	78,623	77,672	76,361	76,938	78,697	78,460

* Votes in parentheses are those originally certified to the Secretary of State. For discussion of the Kanawha County votes see pp. 180-193

[12] *House Journal*, 1889, pp. 47-93, Fleming's claims taken from his contest specifications.

[13] *Ibid.*, pp. 184-319, Goff's claims taken from his contest specifications.

[14] *Majority Report*, p. 153; *Official Directory, West Virginia Democratic State Committee*, p. 9.

[15] *House Journal*, 1889, Goff's (p. 228) and Fleming's (p. 84) Kanawha County claims include the voting places of Coalburg and Lewiston.

[16] *Ibid.*, p. 266. Gives these original returns for Nicholas County in Goff's specifications. *The Official Directory, West Virginia Democratic State Committee*, gives a typographical error in the original returns for Nicholas County.

[17] *House Journal*, 1889, Fleming's Upshur County claims give the figure 888, probably a typographical error, as the number of votes to which he claims credit and as having been originally reported to the Secretary of State, p. 90. 833 is the figure given by the *Official Directory, West Virginia Democratic State Committee*, p. 9, as having been originally reported.

[18] Totals in Fleming's and Goff's claims compose their claims added to the original returns, certified to the Secretary of State, of those counties not contested.

TABLE IV.

VOTE FOR GOVERNOR, AS RETURNED BY COUNTIES AND ASCERTAINED BY THE CONTEST COMMITTEE, FOR 1888[19]

Counties	Flem. (a)	Goff (a)	A	B	C	D	Flem. (b)	Goff (b)
Barbour	1,501	1,483	6	8	--	--	1,495	1,475
Berkeley	2,011	2,184	--	--	--	--	2,011	2,184
Boone	742	531	1	--	--	--	741	531
Braxton	1,667	1,081	10	6	--	--	1,667	1,075
Brooke	800	795	5	84	1	--	796	711
Cabell	2,401	1,981	3	--	--	--	2,398	1,981
Calhoun	934	625	1	--	--	--	933	625
Clay	414	463	1	4	--	--	413	459
Doddridge	1,147	1,405	1	10	1	--	1,147	1,395
Fayette	1,917	2,649	2	7	--	--	1,915	2,642
Gilmer	1,170	845	2	3	--	1	1,168	841
Grant	378	1,027	--	--	--	--	378	1,027
Greenbrier	2,124	1,397	4	--	--	--	2,120	1,397
Hampshire	1,898	528	--	--	--	--	1,898	528
Hancock	486	684	3	2	--	--	483	682
Hardy	1,153	434	--	--	--	--	1,153	438
Harrison	2,155	2,645	4	--	--	--	2,151	2,645
Jackson	1,937	2,243	7	--	--	--	1,930	2,243
Jefferson	2,350	1,138	2	--	--	--	2,348	1,138
Kanawha	3,296	4,779	1	21	--	--	3,295	4,758
Lewis	1,616	1,558	--	4	--	--	1,616	1,554
Lincoln	1,245	954	--	--	--	--	1,245	954
Logan	1,530	390	5	--	--	--	1,525	390
McDowell	409	583	--	65	--	--	409	518
Marion	2,307	2,198	7	5	--	--	2,300	2,193
Marshall	1,816	2,714	1	8	--	--	1,815	2,706
Mason	2,307	2,667	2	8	--	--	2,305	2,659
Mercer	1,373	1,406	6	139	--	--	1,367	1,267
Mineral	1,211	1,254	--	--	--	--	1,211	1,254
Monongalia	1,353	2,216	2	8	1	--	1,352	2,208
Monroe	1,331	1,234	1	--	--	1	1,330	1,235
Morgan	554	878	--	--	--	--	544	878
Nicholas[20]	1,007	791	--	--	--	--	1,007	79
Ohio	4,863	4,769	3	6	--	--	4,860	4,763
Pendleton	1,011	783	--	--	--	--	1,011	783
Pleasants	804	694	2	2	--	--	802	692
Pocahontas	892	588	2	--	--	--	890	588
Preston	1,406	3,003	--	1	--	3	1,406	3,005
Putnam	1,374	1,570	--	--	--	--	1,374	1,570
Raleigh	923	808	4	3	--	--	919	805
Randolph	1,424	777	10	1	--	--	1,414	776
Ritchie	1,403	1,983	1	--	--	--	1,402	1,983
Roane	1,633	1,457	4	--	--	--	1,629	1,457
Summers	1,363	1,280	--	21	--	--	1,353	1,259

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TABLE IV. (Continued)

Counties	Flem. (a)	Goff (a)	A	B	C	D	Flem. (b)	Goff (b)
Taylor	1,221	1,584	8	2	--	--	1,213	1,582
Tucker	675	637	--	16	--	--	675	621
Tyler	1,140	1,561	2	1	--	--	1,138	1,560
Upshur	833	1,731	1	2	--	--	332	1,729
Wayne	2,057	1,419	6	--	--	--	2,051	1,419
Webster	659	295	--	--	--	--	659	295
Wetzel	2,285	1,402	2	--	--	--	2,283	1,402
Wirt	1,050	929	--	--	--	--	1,050	929
Wood	2,776	3,297	2	--	--	--	2,774	3,297
Wyoming	506	563	--	--	--	--	506	563
TOTAL	78,818	78,892	124	437	3	5	78,697	78,460

LEGEND:
(a) Returns originally certified
A Votes rejected from Fleming
B Votes rejected from Goff
C Votes added for Fleming
D Votes added for Goff
(b) Returns ascertained by Contest Committee

* Number of votes cast as appeared from the poll books and the recount. For a discussion of Kanawha County votes see pp. 180-193. On Kanawha County also see Tables II and III of this Appendix.

[19] *Majority Report*, p. 153; *Official Directory, West Virginia Democratic State Commitee*, p. 9.
[20] See footnote No. 16. Table III.

A. W. Campbell—Party Builder

By Myra Gladys Gray

Sometime in the life of a nation there comes a time when a decision must be made for good or ill. There comes a time when compromise is no longer possible. The issue is clearly drawn and must be settled. Such was the condition in the United States in the 1850's in regard to the question of slavery. Henry Clay had done magnificent work as the "Great Pacificator," but Clay was dead and the day of compromise on this question was past.

The slavery question came to the foreground about 1830. For thirty years it held the center of the stage. For a long time the two major political parties, Whig and Democrat, tried to steer clear of this issue. Both were national parties and did not want to lose the support of a section by taking a definite stand on this dangerous question.

As the issue became more clearly drawn, it was impossible for the two parties to ignore it and live. The Whig party, in trying to please both sides, pleased neither, and as a consequence lost support and died. The South, or those in sympathy with that section, had control of the Democratic party.

The people of the North, who were opposed to the extension of slavery into the newly acquired territories, demanded a party which would come out definitely against such extension. When the Whig party failed in this, they organized in 1854 a new party, the Republican, whose cornerstone was opposition to the further extension of slavery.

With its stand in regard to the extension of slavery, this party could not hope to have any support in the South and was purely a sectional party. Yet some of its other principles, at another less acute time, would have com-

mended themselves to certain parts of the South, especially to that part which had or hoped to have industry.

Virginia was usually classed as a southern state although sometimes as a border state. The eastern part was essentially southern. The western part, or what is now West Virginia, was more like the North, in that the mountains made the plantation system impracticable, and in the fact that some industries had developed in that region. Western Virginia had few slaves. For its industry it needed free labor, not slaves. It also needed protection for its industries: thus, parts of the platform of the Republican party, especially that part in regard to the tariff, would suit it. Although the beliefs of the Republican party, except possibly in regard to slavery, were those of a great many people of western Virginia, it had little support there at first. In fact, it was practically non-existent, and its first candidate, John C. Fremont, received almost no support in the election of 1856.

Many Virginians associated the Republican party with the abolitionists of the North, whom they hated and feared. It was believed to be a dangerous, radical, sectional party; consequently its appearance was frowned upon, to say the least. Even as late as 1856 a judge of the Wheeling District had "charged a grand jury (in effect) that Republicans were suspicious persons and obnoxious to the laws and institutions of Virginia." [1]

Horace Greeley, the editor of the New York *Tribune*, was not allowed to speak in western Virginia. A minister was compelled to leave because he taught colored children in his Sunday School. Cassius M. Clay was threatened because he delivered an address—one which he had delivered without molestation in the heart of Kentucky.[2] John C. Underwood, who had married a double first cousin of Stonewall Jackson, had to leave the State be-

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[1] George W. Atkinson and Alvaro F. Gibbens, *Prominent Men of West Virginia*, p. 507.
[2] *Ibid.*, p. 508.

cause he had been a delegate to the Republican convention in 1856, and had campaigned for that party.[3]

During the campaign of 1856, a Republican meeting had been called to meet in Wheeling on September 18. The Wheeling *Intelligencer,* which was the leading paper of western Virginia, advised the members of the party to change both time and place as, "Wheeling had no sympathy with this party—and she does not desire her name to be a second Hartford in political iniquity."[4]

The Wheeling *Intelligencer* was edited by Beatty and Company. In the fall of 1856, they sold the paper to Archibald W. Campbell and John F. MacDermitt, and Campbell became the editor. The former editors had been Whigs and had expressed the belief of that party in their paper. In their final edition they said they had always followed Henry Clay and had been Whigs until the Whig party died. They declared that the Republican party was the "dangerous party of the day" and that "Republicanism . . . now stands ready to devour alike the Union and the Constitution."[5]

In the same issue the new editor, A. W. Campbell, gave a salutation to his subscribers. In the salutation he said that he proposed to print an independent and liberal newspaper, which should uphold the best interests of northern Virginia.[6] From that declaration, A. W. Campbell never swerved.

Campbell did not long leave the people in doubt as to how he stood on the major issues of the day. There was a great deal of talk about disunion at this time. Only six days after he had taken charge of the paper, Campbell condemned a disunion speech of Preston S. Brooks, and in words which showed his stand for the Union, he said, "A man cannot be a traitor to the South unless he is a traitor to the North; a traitor to the federal Union."[7]

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[3] *Dictionary of American Biography,* XIX, pp. 13-14.
[4] Wheeling *Intelligencer,* September 15, 1856.
[5] *Ibid., October* 9, 1856.
[6] *Ibid.*
[7] *Ibid.,* October 15, 1856.

Such a stand as this was not popular in Virginia at that time. The Norfolk *Argus* said that it had first thought the *Intelligencer* was to be conducted as a neutral paper, but had found that this was not true as each edition, since it had changed editors, had evinced a deep design to convert it into a "Black Republican" sheet of the most dangerous character, and it was all the more dangerous because under the assumed name of independent it spread the most radical Free Soil doctrines.[8]

Campbell printed this attack in his paper and answered it by saying that he intended to "publish a *News,* not a partizan paper."[9] In a later issue he said that the right to choose for one's self must be maintained at all times.[10] The Richmond press continued the attack on the Republican paper (as they considered it) in Virginia, and Wheeling was reproached for allowing such a publication in its midst.

For a time it seemed as if the paper might fail,[11] but the plucky editor stood his ground. After the election of 1856, interest in political affairs died down, but Campbell continued to work through the columns of his paper for what he believed was the welfare of northwest Virginia, and the country as a whole. He pointed out to western Virginians how they had been discriminated against in favor of eastern Virginia in matters of slavery, taxation and basis of representation, and showed how the West was subordinate to the East. This preaching later bore fruit, for while most of his readers were not Republicans they knew that what he said was true and associated these injustices with the Democratic party of the East.

However, the political scene was comparatively quiet until the fall of 1858, when the campaign for the election of a governor began. The Democratic party nominated John Letcher, who previously had not been very sound on the "Nigger question." In 1847 he had endorsed the

[8] *Ibid.*, October 16, 1856, quoting Norfolk *Argus.*
[9] Wheeling *Intelligencer,* October 16, 1856.
[10] *Ibid.*, November 6, 1856.
[11] Atkinson, *op. cit.*, p. 508.

Ruffner Pamphlet, which had pointed out the evil effects of slavery in western Virginia. Letcher had repudiated this, however, and now was understood to be very sound on the vital question of slavery. The opposition party nominated William L. Goggin, who was also sound on this burning question.

The issue seemed to be which of the two candidates could prove he was the sounder on the "Nigger question." Campbell, in his paper, pointed out that this question was not the all important one to western Virginia and western Virginians, but urged the Northwest to go into campaign for a settlement of grievances against the East.[12]

Many people in Virginia condemned Letcher for his former stand on slavery. Campbell, although not a follower of Letcher, pointed out that this record was the same as that of Jefferson, Madison, Marshall and Randolph. To him the only thing Letcher need be ashamed of was his repudiation of this stand. Campbell predicted the day would come when it would be no disgrace to have such a record as the endorsement of the Ruffner Pamphlet.[13] He reminded the East that the Ruffner Pamphlet already commanded the approval of thousands in western Virginia and that the day would soon come when it would be the political sentiment of the entire region.[14]

The question of slavery continued to be the chief issue. The ignoring of what seemed to him more important issues irked Campbell, and in an ironic editorial he said, "Can we Panhandlers—whose niggers are so scarce—afford to stand idly by, and see their cash value reduced to a mere song by the election of Letcher? Never! Better let go the wool, the horses, cattle and hogs, than risk the few precious ebony specimens in our midst.[15]"

Yet Campbell was not in favor of Letcher. In one editorial he said, "In saying this we do not stand for John Letcher, on the contrary, we are ashamed of him,

[12] Wheeling *Intelligencer*, October 5, 1858.
[13] *Ibid.*, November 30, 1858.
[14] *Ibid.*, December 14, 1858.
[15] *Ibid.*, April 30, 1859.

ashamed of his moral cowardice."[16] To him there seemed to be about as much difference between the candidates as between Tweedle-dee and Tweedle-dum. He did not feel that there was much of a choice between a candidate, who sought to be elected by condemning a pamphlet which expressed his own political beliefs and one who had "sold himself like Judas to the enemy."[17] Neither of the candidates measured up to his standards and he did not support either.

It was not long before the South began to realize the danger of such a paper in its midst. One Southern paper remarked that "Great is Black Republicanism, and the *Intelligencer* is its prophet."[18] A pro-Southern paper of western Virginia said that it could not at the present, charge a certain town with acts of treason against Virginia, "but we charge that Black Republicanism is vociferated in mid-day in its streets and that a Black Republican sheet fulminates in said town, its effusions hostile to slavery."[19] The town referred to was Wheeling, and of course, the "Black Republican sheet" was the Wheeling *Intelligencer*.

As the time for the election of 1860 drew near, more interest in political affairs was manifested. As early as the spring of 1859, the Republicans of Wheeling asked the Republican National Convention to select Wheeling as the place for the National Convention of 1860.[20] Until John Brown's raid, there was some possibility that this selection would be made. Quite a furor was raised at this suggestion. The Pittsburgh *Gazette* was not pleased with this proposal, for it did not think it would abate the charge of sectionalism, as "The Panhandle is just as free from slavery as Pennsylvania."[21] The South, on the other hand, became very much incensed at the idea even being entertained of holding the Republican Convention there, even

[16] *Ibid.*, May 25, 1859.
[17] *Ibid.*
[18] Quoted in Wheeling *Intelligencer*, March 14, 1859.
[19] Weston *Herald*, July 12, 1858.
[20] Wheeling *Intelligencer*, April 12, 1859.
[21] *Ibid.*, May 11, 1859.

though in the remotest corner of the Old Dominion. One person in Alabama suggested that the entire Panhandle should be upset into the Ohio River.[22]

The South accused the *Intelligencer* of being responsible for the rise of Republicanism in Virginia. It was pointed out that in 1856, there were very few Republicans in the Panhandle, and that the *Intelligencer* had just been purchased by its present owner. It had then begun its dissemination of Free Soil doctrine, and now three papers out of the five printed in that section were Free Soil. This the South believed was due to A. W. Campbell and his paper, the *Intelligencer*.[23] The South was paying Campbell a high compliment here, although it did not realize it. If he could in the space of two years wield such influence, he must have had a great capacity for leadership and have presented arguments which appealed to the people who subscribed for his paper.

Starting out to make the *Intelligencer* an independent paper, Campbell very soon found himself espousing the Republican cause. Yet he was broad-minded and independent enough to take that party to task if he thought it was at fault. When the John Brown raid occurred, Campbell had no sympathy with such violence and said the raid should teach the North to look with aversion on fanatics like Garrison. He, however, reminded the South that a contingency such as this raid was always present for we can't "take fire in our bosom and not be burned," or have four million slaves without liability.[24]

The South was spared the ignominy of seeing a Black Republican convention held in its midst, for the excitement attending John Brown's raid and subsequent events made the Republicans deem this advisable.[25]

The Republicans of Virginia were disappointed in not having the National Convention in Wheeling, but a call was issued for state delegates to meet there on May 2,

[22] Weston *Herald*, May 6, 1859.
[23] Wheeling *Intelligencer*, August 1, 1859, quoting Parkersburg *News*.
[24] Wheeling *Intelligencer*, October 21, 1859.
[25] *Ibid.*, January 2, 1860.

1860. All citizens of Virginia who were willing to cooperate were asked to join.[26]

When this convention met, its members believed that in expressing their sentiments they were merely repeating the sentiments of the "Fathers."[27] Resolutions were adopted to this effect that the Republican party was established for the protection of the personal rights of the citizens, as well as the rights of property. The injustices of the East to the West (not taxing slaves at full value, unequal representation, etc.), were condemned and slavery was held to be a sectional question and not a national one. A protective tariff was advocated, and the right of a state to enter the Union as either free or slave was recognized, but it must be free while a territory.[28] The majority of people in western Virginia were not Republicans, in fact, very few of them were but many of them had these beliefs. The meeting seemed to be a great success and after appointing delegates to go to Chicago to the National Convention it adjourned.

A Democratic paper, the Wheeling *Union,* had attempted to stir the people against the convention by saying it was an insult to the State and that the pride and fiery spirit of the people of Virginia must be dead if they stood idly by while the meeting was being held. The *Intelligencer* condemned this as an infamous appeal[29] and also took the *Enquirer* (Richmond) to task for trying to instigate a mob to break up the Convention by saying, "The *Enquirer* doesn't know anything more about our people than it does about the popularity, or rather unpopularity, of Governor Wise. If it did it would recognize that it would be just as impossible to interfere with the Convention here, as it would with a Democratic one in Richmond." These words show how Republican sentiment had advanced in Wheeling since Campbell took the edi-

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[26] *Ibid.*, March 13, 1860.
[27] *Ibid.*, May 11, 1860.
[28] *Ibid.*, May 3, 1860.
[29] *Ibid.*

torship of the *Intelligencer,* and now Campbell could claim that Wheeling was more of a Republican city than Richmond was a Democratic one.[30]

During the meeting in Wheeling, Seward's name had won the greatest applause when mentioned, and most people believed he would be the Republican nominee.[31] A. W. Campbell was one of the delegates to the National Convention and had expressed his preference for Seward. Campbell was appointed one of the secretaries of the Convention.[32] Contrary to expectation Lincoln and not Seward received the nomination.

If Campbell was disappointed he did not show it, but went to work with a will for Lincoln. He proclaimed through his paper that the Republicans were ashamed of neither platform nor candidate, that Lincoln was an Old Line Whig of the Henry Clay variety, and a great commoner who sympathized with humanity in all its frailty.[33] He believed this and hoped that the eyes of all the people would be opened, and that they would give the reins of government to "honest and incorruptible Old Abe, who could not if he would, and would not if he could, do anything but what was right."[34]

During the ensuing campaign Campbell used his paper to advocate the Republican cause. He believed that the Republican party was the only truly national one,[35] that the Constitutional Union party was superfluous as it would only tend to weaken the conservative element of both parties, leaving them in control of the radical group;[36] and that the Democratic party had become rotten, corrupt, and debased.[37]

As usual there were cases of misrepresentation in this campaign. The Republicans had organized what was known as "Wide Awake" clubs. These were very active

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[30] *Ibid.,* May 1, 1860.
[31] *Ibid.*
[32] *Ibid.,* May 19, 1860.
[33] *Ibid.,* September 3, 1860.
[34] *Ibid.,* June 25, 1860.
[35] *Ibid.,* June 26, 1860.
[36] *Ibid.,* May 17, 1860.
[37] *Ibid.,* June 25, 1860.

in the Panhandle and were accused by eastern Virginia of training for violence. Their torches were said to be for incendiary purposes; the rails they carried were for breaking open doors; and the long capes which they wore were to help conceal murderous weapons. The Republicans of course denied these charges and asserted that they proposed no assaults on the South, and would resist the election of no President who had been constitutionally elected. On the contrary, they would defend him regardless of his identity and party alignment.[38]

In order to clarify their position, the Republican organization issued pamphlets called the "Republican Pocket Pistol," which quoted Monroe, George Mason, Pinckney of Maryland, Clay, Webster, Benton, and Thomas Marshall against the extension of slavery.[39]

A meeting in Hancock County adopted resolutions which expressed the principles of the Republicans in Virginia. These resolutions condemned censorship of speech and press, unequal taxation, inequality of representation, and proclaimed undying opposition to the extension of slavery. They approved the Homestead bill and expressed themselves for the Union—taking pride in the fact that no Republican orator had ever spoken for disunion.[40]

Talk of disunion became very common as the campaign wore on. The Bell forces asserted that the only way to prevent disunion was to elect their candidate while the Democratic party proclaimed its loyalty to the Union. Many said that the election of Lincoln would be a cause for disunion and therefore those who loved the Union should help defeat him. Campbell would not accept this reasoning. It seemed to him nonsensical and childish to claim that a victory for the Democratic party was necessary to save the Union. The inconsistency of this reasoning was expressed by him as showing the presumption and arrogance of the men who proclaimed it. Arrogance

[38] *Ibid.*, October 5, 1860.
[39] *Ibid.*, September 14, 1860.
[40] *Ibid.*, March 31, 1860.

and presumption because they asserted that the only way to save the Union was to give its keeping into the hands of the only people who had threatened to break it up.[41]

Campbell believed with the other Republicans that the threats of disunion were merely gasconade, and that all this talk was sounded throughout the North for the purpose of affecting the coming election by frightening the moderate men of that section into supporting the Democratic ticket in order to save the Union.[42] He believed that the talk of disunion was evidence of the South's certainty of the election of Lincoln, and that after the election it would subside.[43] He reminded those advocating disunion in the event of Lincoln's election that, "We still have a constitution, still have law, courts and prosecution, and that hemp still grows."[44] When questioned as to his own and his party's attitude in case of defeat, he replied, "Whatever troubles may menace the country, the lawlessness of Republicans will not be one of them," for he said, "It is not from their ranks that the threats of secession and resistance to the will of the majority come!"[45]

In a speech at Norfolk on August 26, 1860, Stephen A. Douglas, one of the Democratic candidates for the presidency, had taken a decided Union stand.[46] Many people applauded his courage in so doing, for such a stand was not a popular one in that region. To Campbell, however, Douglas deserved just as much credit for his stand as he would merit for refusing to strike his father. To him it was an insult to assume that a man would take any other stand, and he marveled that any political party could exult because their leader was not a traitor. In considering some of their past leaders he felt that perhaps the rejoicing was not amiss, for there might be cause for gratification in having one candidate who did not believe that the best way to preserve the Union was to

[41] *Ibid.*, September 12, 1860.
[42] *Ibid.*, September 27, 1860.
[43] *Ibid.*, October 31, 1860.
[44] *Ibid.*, October 6, 1860.
[45] *Ibid.*, September 24, 1860.
[46] Richmond *Whig*, August 29, 1860.

place it in the keeping of those who were constantly threatening to break it up.[47]

It may seem strange to know that tolerance was an issue in the election of 1860. It was natural that the cry of intolerance should be raised first by its principal victors, namely the Republicans. They took pride in their tolerance, and believed that this constituted the major difference between the Democratic and the Republican parties. They cited Douglas' trip through New England where he was received cordially and pointed out that even in the strongest Republican districts, opponents of Lincoln were permitted to speak freely.[48] They reminded Northern Democrats that they need not be indignant because they were "hooted down," inasmuch as they, themselves, had "encouraged the spirit which animates it, and had helped to build up the public opinion which sustains it."[49] In answer to the South's accusation that the fanaticism of the North was inimical to the South, the retort was made that, "A Southerner can travel in the North and exercise all his legal rights of words and acts with perfect safety from violence and insults." In contrast a Northerner traveled in the South with fear and trembling. It was also pointed out that Southern subscribers dared not take a newspaper which attempted to give justice to the North and that postmasters were compelled to act as spies.[50] "Which party," Campbell, as the spokesman for the Republicans in Virginia, asked, "demanded secession in case a majority voted a certain way? Which party concocted schemes for a Confederacy and threatened to take possession of the Capital by military force if a certain candidate, Fremont, were elected?" He recalled instances of Southerners talking of lynching people whose only offense was voting for Fremont.[51]

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[47] Wheeling *Intelligencer*, September 11, 1860.
[48] *Ibid.*, August 3, 1860.
[49] *Ibid.*, July 23, 1860.
[50] *Ibid.*, April 23, 1860.
[51] Wheeling *Intelligencer*, September 1, 1860, quoting Wellsburg *Herald*.

Campbell believed that intolerance should be condemned in any form, in his party as in any other, and whether or not it militated against them. When an attempt was made to make an issue of the accusation that Douglas was a Catholic, the reply was made that this was a matter between him and his God, and not a political issue.[52] The Republicans of West Virginia were not given much tolerance. Poles erected for their candidates were cut down, and mobs insulted "Wide Awake" clubs which had been invited to Wheeling. This aroused the ire of Campbell, and he appealed to all men believing in free speech and free voting to go to the polls and vote.[53] Campbell took pride in the fact that the Republicans asked no vote except as a result of impartial discussion and that in Wheeling it was "the distinctive and proud privilege of all men to vote their sentiments."[54] He realized that while the Republicans might be willing to grant such privileges, they did not receive them and that there was actual danger in voting the Republican ticket. Just a little while before the election he gave this counsel to the supporters of Lincoln in Virginia, "Go in numbers as far as you can, and stand by each other."[55]

Campbell believed and argued through the columns of his paper that there was a very special reason why Virginians should assert their right to vote as they choose, and that was because in certain regions they had been informed that they could not vote that way. He believed that the right to vote as one pleased was the very cornerstone of the free institutions of the United States. He also felt that men who would not defend this right were not worthy to be called free men. If they obeyed these threats then they became slaves. Moreover, he believed that it was the duty of the Republicans to vote in protest against slavery and the talk of secession.[56] Campbell took

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[52] Wheeling *Intelligencer*, July 26, 1860.
[53] *Ibid.*, November 5, 1860.
[54] *Ibid.*, September 7, 1860.
[55] *Ibid.*, November 5, 1860.
[56] *Ibid.*, November 3, 1860.

the occasion to ask the South to realize that the triumph of the Republicans would not be the triumph of an enemy, but that of a brother, who believed them wrong on one national question, and who had been willing to make the peaceful ballot box the arbitrator of the dispute.[57]

When the election occurred Bell carried the state of Virginia with 74,681 votes; Lincoln trailed with only 1929.[58] It may appear from this that Campbell's efforts had been largely in vain. Yet in the light of subsequent events that assumption is seen to be false. Many people in western Virginia, perhaps a majority of them, agreed with the principles advocated by Campbell, but they were afraid of Republicanism. To most of them the Republican party was associated with *abolition*. There was a conservative party in the field, the Constitutional Union party, and its members believed that they could best express their love for the Union by voting for the candidate of that party. When under the stress of secession and Civil War party lines crumbled and matters were seen in a plain light, Campbell's influence was evident.

Campbell was eminently a just and tolerant man. Where the Union was concerned he was adamant, however. He did not believe that the election of Lincoln was a menace to the South or that it justified secession. He recalled to the minds of the people that the control of the government had been largely in the hands of the South for many years. He could not see that that area had any reasonable right to object simply because its candidate lost an election which was fair and just.[59]

Campbell was concerned lest the people of western Virginia should not realize that there was danger of their being forced into a Southern Confederacy. He urged all Union men to unite and to make clear to the eastern section that they would not be dragged into a "Cotton Confederacy."[60] He printed a picture of the flag of South

[57] *Ibid.*, October 13, 1860
[58] *The Tribune Almanac*, 1861, pp. 50-1.
[59] Wheeling *Intelligencer*, November 10, 1860.
[60] *Ibid.*, December 25, 1860.

Carolina and asked western Virginians if they approved of the "flag which traitors are preparing for you."[61] He warned eastern Virginia that if she went into a Southern Confederacy, she must realize that she would travel alone.[62]

When the call was issued for delegates to be elected to a convention to consider the question of secession, Campbell gave this advice to the Republicans of western Virginia as well as to all who loved the Union, "to vote first for a man on account of his soundness on the Union; vote next for him for his intellectual qualifications—but in every instance sacrifice the latter where there is no doubt about the former. Let no traitor work himself into an election on his shape or talent."[63] Being for the Union under certain circumstances was not enough for a candidate in Campbell's mind. He wanted an unequivocal answer from each candidate on the question as to whether he was against secession in any form or under any pretext. If he could not answer *yes* to his question he believed he should be defeated.[64] He warned the East that "western Virginia will stay in the Union, with or without the east, as she herself may determine."[65]

It did not matter to Campbell whether the men elected to the convention were Republicans or not; the only thing he wanted to be sure of was that the candidates were thoroughly Unionists. Because of this he advocated the election of Sherrad Clemens, a Democrat, and Clemens was elected.[66] After the convention met a pro-Southern delegate from Western Virginia in a speech accused Clemens of having been elected on a platform conceived by Campbell. Clemens denied this, but he remained loyal to the Union, and that was all that Campbell asked.

At the opening of the convention, Campbell had gone to Richmond to observe the proceedings although he was

[61] *Ibid.*, December 29, 1860.
[62] *Ibid.*, December 25, 1860.
[63] *Ibid.*, January 21, 1861.
[64] *Ibid.*, January, 30, 1861.
[65] *Ibid.*, March 26, 1861.
[66] *Ibid.*, February 5, 1861.

not a member. At first he was very much encouraged and felt that the convention would never pass an Ordinance of Secession.[67] Even as late as March 14, he still felt optimistic and thought the convention might as well adjourn and save the taxpayers' money.[68] On April 12, however, he was forced to admit that the secession sentiment had gained strength.[69]

When the Ordinance of Secession was passed, Campbell advised the Union men to organize and drive the traitors out, for "if nothing but the rattlesnakes' flag will do them, let them go where the rattlesnakes are."[70] When he saw that eastern Virginia was determined to join the Confederacy, he worked vigorously for the formation of a new state west of the mountains, which would remain loyal to the Union. His decided stand and clear reasoning of the past four years now bore fruit, for he found many who supported him. One author says that the history of the Wheeling *Intelligencer* during the War is the history of the Union and of the new State of West Virginia. President Lincoln said it was a message from Campbell which influenced him to sign the bill for the admission of West Virginia into the Union.[71] Perhaps it would not be a miscarriage of justice to call Campbell the father of West Virginia.

Campbell had done years of service for the Republican party in West Virginia. A lesser man might have permitted the intolerance he had suffered to make him intolerant when conditions made that possible. Campbell remained tolerant and raised his voice for tolerance. After the Civil War many people in West Virginia wanted to discriminate against the returned Confederates in their midst. Campbell used his influence against this and showed himself in prosperity as well as in adversity truly a man.[72]

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[67] Granville D. Hall, *The Rending of Virginia*, pp. 151-52.
[68] Wheeling *Intelligencer*, March 14, 1861.
[69] *Ibid.*, April 12, 1861.
[70] *Ibid.*, April 19, 1861.
[71] Atkinson and Gibbens, *op. cit.*, pp. 509-510.
[72] *Ibid.*, p. 510.

A. W. Campbell bowed to no one. In 1880 he was one of the delegates to the Republican National Convention. Roscoe Conkling wanted all delegates to bind themselves to support the nominee of the convention. Campbell resisted this and made the famous remark, "whether in or out of this Convention, I carry my sovereignty under my own hat."[73] Perhaps this is as good a measure as any of this "Father" of which all West Virginians should be truly proud.

[73] *Ibid.*, p. 511.

The Organization and Work of the Local Historical Society

By Harlow Lindley

During the last three generations the ideal of the Nation rather than the State has become so firmly rooted in the minds of the loyal people of the United States, that national history and national government have claimed the largest share of the public's attention. All this time local government and especially local history have been, so far as the schools are concerned, almost entirely ignored.

Here in the United States are the possibilities for the richest national life ever developed on the face of the earth, and these possibilities largely depend upon the fact that American national life is a composite of a large number of self-governing states. There has evolved here the most perfect organic nation that has yet appeared. The process of this evolution has been in harmony with the laws of development of the highest organized living bodies, and there is no more disloyalty to the Nation in knowing the history and true political functions of a state, than there is disrespect or contempt for the human body by the medical student who makes a minute study of the heart, or by the physician who specializes upon the treatment of the diseases of some particular organ or set of organs.

This Nation had its beginnings in the planting and growth of thirteen distinct and, as related to each other, independent little commonwealths. This growth began in local centers—villages, towns, plantations, etc. There was an intense feeling of localism at first, but the cords of common interest were drawn through and about certain groups of these small communities and formed them into

unities called colonies. In these colonies, there was also an interest and a pride in their own institutions—their political affairs, their religion, industry, education and social arrangements. For 150 years, this local growth continued until the thirteen colonial entities had grown up, with a large variety of well matured local ideas and institutions.

This was a logical beginning for a great, strong, highly organized, richly endowed nation. There can be no vigorous, free, permanent, national life that does not rest upon a healthy growth of local institutions. There can be no more interesting historical study than the investigation of this local development as a preparation for the larger entity, the nation. As this evolution of the nation proceeds through this local growth, each local center, however small, becomes an organic force in the functioning of the whole.

De Tocqueville, in his *Democracy in America,* says: "The doctrine of the sovereignty of the people came out of the township, and took possession of the States." One may add—and through the states take possession of the nation.

It is in local government that the sovereignty of the people is most complete. Civic training should begin in the "home rule" opportunities of the local government and find its culmination in the national and international relations. So much for the local concept.

History is not merely a record of past events; it is not confined to a book; and it is not mathematical in its exactness. Stated positively, history is the unfolding of the life of humanity—social, religious, economic, educational and political. This unfolding begins in the local community and eventually effects the state and the nation and it should be the purpose of the local historical society to preserve all this for the present and the future.

Purpose of an Historical Society:

1. *To collect*
   - [a] Old historical books, maps, pictures, newspapers, biographies, directories
   - [b] Unprinted: private letters, diaries, account books, business records, Church records, fraternal records, photographs, cemetery inscriptions and records
   - [c] Oral: reminiscences, local tales, ballads, music, place names
   - [d] Objects: keepsakes, heirlooms and relics, so called
   - [e] Where found: attics, storage rooms, trunks, etc.
   - [f] How found: sales, auctions, spring cleanings, gifts

2. *To preserve*—this can be accomplished through the library and the museum.

3. *To publish*
   - [a] Papers prepared
   - [b] Papers printed
   - [c] Sponsor local histories and biography
   - [d] Records of historic sites and trails (markers)
   - [e] Records of burial places and place names
   - [f] Archaeological surveys
   - [g] Preservation of historic buildings

4. *To promote*
   - [a] Programs
   - [b] Pilgrimages
   - [c] Markers and memorials
   - [d] Pageants
   - [e] Cooperation with schools, the library, newspapers, civic organizations, governmental agencies

5. *The local museum*—what it is, what it isn't, and what it should be: It should be an educational and cultural agency, not a junk shop or even a curiosity shop. It should be the last word in *visual education.*

   Quality vs. *Quantity*—the temptation in the beginning.

The historical society is both an opportunity and an obligation. Before we can hope to popularize history, we must appreciate it. The life of the community depends upon the community spirit and an appreciation of one's local history will go far toward developing this spirit. Interest in history, as in all other fields, is subject to fluctuation and some agency should be prepared to keep the interest alive.

The interests of the local historical society will be quickened if they are associated in some way with a state historical agency such as a state historical society or a state federation of local historical societies.

We talk about the public schools and particularly about the teaching of history as a means of developing patriotism and good citizenship. What better way is there of developing an appreciation of our history and, with it, the right kind of patriotism and good citizenship, than by giving these future American citizens an appreciation and understanding of their local and state history? Such a study should put us in a sympathetic relationship to our community, our state and our nation. A great deal of the responsibility for the success of such a program depends upon those who logically are interested in the organization and work of the local historical society.

West Virginians in the American Revolution

Assembled and Edited by ROSS B. JOHNSTON

The sources of this material are from the files of the Pension Office at Washington, from various county records, from notes of patriotic societies, principally the Daughters of the American Revolution, Sons of the American Revolution, Sons of the Revolution, and from a large miscellaneous group of published and private sources. Corrections and additions to this list will receive the careful attention of the editor.

STONE, HENRY

Service—Virginia Va. No. 13149 No. S. 6151

Born in Frederick County, Maryland, in 1762; moved to Louden County, Virginia, and there enlisted in 1781 as a private in the company of Captain Lewis in the Virginia regiment among whose officers were Adjutant Harry Foot, Colonel Alexander, Colonel Dabney, under General Wayne. He moved to Green County, Pennsylvania, in 1804, and to Monongalia County, Virginia, in 1808 or 1809, where he was living in 1833 when he received pension. His claim was supported by Richard Harrison.

STONE—JOHN

Service—Penna. Va. No. 12484 No. S. 6160

Born in Lancaster County, Pennsylvania, in 1753, and there enlisted in 1775 or 1776 in company commanded by Captain Naggle. Took part in the engagements at Sechmore Point, Dorchester, and skirmishes on Long Island. After the Revolution, he resided in Maryland for a time, then in Botetourt County, Virginia, and received pension in Monongalia County, Virginia, in 1833. Supporting data was filed in this case by Jacob Lentz, James Cartmill, and John Moon. After the death of this soldier, his widow, Sarah Stone, according to Pension Office records, married John Dodd.

STONKARD, JOHN

Service—Penna. Va. No. 19165 No. S. 41205

Enlisted in Lancanster County, Pennsylvania, in January, 1775, in the Second Pennsylvania Regiment, in the company of Captains Reese and Watson under Colonel Woods and General Montgomery. Was wounded in the leg and arm in the battle of Quebec and was about fifteen steps from General Montgomery and his aide, McPherson, when they fell. When Colonel Campbell ordered a retreat, he was left with other wounded

men on the Plains of Abraham for some time in a kind of hospital. When he was able to march, he rejoined his command under Captains Reese, Watson, and Webster. He was on wagon guard the day of the battle of Brandywine, and his brother, James, was killed in the engagement. He was honorably discharged at Valley Forge, March, 1778.

While this soldier was in the service, his parents moved to Virginia, where he joined them after his discharge. He received pension in Pendleton County, Virginia, in 1824. Supporting data filed by Joseph Wright.

STOUT, CALEB

Service—New Jersey Va. No. 2153 No. S. 7593

Enlisted in New Jersey in 1775 in the company of Captain Brady in the Second New Jersey Line Regiment, under Colonel Maxwell, and took part in Arnold's Quebec Expedition. In February, 1776, marched through Albany, Stillwater, Lake George, Ticonderoga, Crown Point, St. John, and Quebec. Taken ill with smallpox, and with 50 or 60 other sick, was left behind and taken prisoner. Sent to Halifax where he was in prison for two years.

Was pensioned in Harrison County, Virginia, where he made application, July 20, 1818. He was aged 73 and his wife 70 in 1821. He was dead before November 20, 1832.

STOUT, MOSES (Ensign)

Born in Hunterdon County, New Jersey, and died in Harrison County, Virginia. Married Abigail Hart, born 1754, daughter of John Hart, signer of the Declaration of Independence, and his wife, Deborah Scudder Hart, at Hopewell. He served in the Revolution as a member of the New Jersey militia as a sergeant and then as ensign in Captain Stout's company in the Third Jersey Regiment.

STOUT, THOMAS

Service—Virginia Va. No. 23043 No. S. 7626

Born in Monmouth County, New Jersey, 1751. Resided in Augusta, now Harrison County, Virginia, at the outbreak of the Revolution, and in 1776 there enlisted as an Indian spy. He served under Captain Lowther at Nutter's Fort, Captain Springer at Prickett's Fort, Captain Carpenter at West's Fort, and under Captain Robinson and Captain Booth. He also mentions Isaac Beesley, John Cutright, Alexander West, and Joseph Parsons among other prominent frontier defenders. Supporting data was filed by Lovel Corbin and William Wilkinson.

Soldier received pension in 1833 while living in Harrison County, Virginia, but was dropped from the roll two years later because of insufficient proof of Revolutionary service.

STRADLER (STATLER), JACOB

The grave of Jacob Stradler or Statler, a soldier in the Revolution who died in 1778, is in the Price Memorial Cemetery near Olive Church, Monongalia County, West Virginia.

STRAIN, WILLIAM

William Strain, who served in the Revolutionary Army, is buried in Brooke County, Virginia, in the cemetery which he provided by will on his own farm. The Strain property has been in continuous possession of the family since 1782.

STRODE, JAMES (Captain)

Born, 1727; died, 1795. When the Revolution began, he was too old for field service but took part and was enthusiastic in the work of recruiting volunteers for enlistment in the army. As captain, commanded a company of militia in Berkeley County, Virginia. He was active in civil life as well as in military affairs before and after the Revolution. He was one of the first justices of the peace and justice of the county court at the organization of Berkeley County, May 1772.

STRODE, SAMUEL (Sergeant)

Enlisted from Berkeley County and saw service as a sergeant under General George Rogers Clark.

STRUPE, MELCHOR

Before the Cabell County, Virginia court in 1826, Melchor Strupe made application for a pension as a Revolutionary soldier, but died before his claim was approved. He lived near Barboursville on a farm west of the Horseshoe Bend on the north side of Mud River.

STUART (STEWART, STEUART, STEURT), EDWARD (Lieutenant)
Service—Virginia Va. No. 12068 No. W. 6170 and B.L.Wt. 26039

Born on the Cowpasture River, Augusta County, Virginia, in February, 1759, and died at his home on Elk Creek, Barbour County, Virginia, April 7, 1844. He enlisted in Bath or Augusta County, in the Revolutionary Army, and served as follows: in 1778, two months as a private in Captain Andrew Lockridge's company against the Indians; in 1779, three months in Captain Robert McKery's or McCrory's company on the Augusta frontier; in 1780, two months under Captain John McCoy near Richmond; in 1781, three months in Captain Thomas Hicklin's company of the regiment commanded by Colonel Samuel Vance, and was at Yorktown when Cornwallis surrendered; in 1782, three months as ensign in Captain George Poage's company against the Indians. On October 19, 1790, he was recommended as lieutenant in Captain James Hicklin's company. He was known as captain when he lived on Elk Creek after the Revolution.

In Augusta County, April 4, 1786, Stuart was married to Mary Calaghan by the Rev. Samuel Shannon. Soldier received pension in Bath County, Virginia, in 1833, which was transferred to Harrison County, 1839. Soldier's widow received pension and 160 acres of bounty land. Supporting data was filed in this case by Adam Dickinson, George Hicklin, John Graham, James Nutter, and John, Hannah, Samuel, and Felix Stuart.

STUART, JOHN (Colonel)

Born near Staunton, Virginia; his father was David Stuart, a native of Scotland, who was county lieutenant of Augusta County; his mother was Mrs. Lynn Paul, the widow of John Paul, granddaughter of the Laird of Loch Lynn, Scotland, and the niece of Mrs. John Lewis, whose husband founded Staunton. Colonel Stuart settled in Greenbrier County, in 1769, at the age of 19, near Frankford but later settled near Fort Spring, Greenbrier County, and the fine old Stuart home which was built about 1789 is still standing.

In 1774 when General Andrew Lewis set about recruiting an army to march with Lord Dunmore against the Indians beyond the Ohio, Colonel Stuart organized a company of Greenbrier men and joined Lewis' army. In 1778, when the Indians attacked Fort Donnally, northwest of Lewisburg, he led reinforcements from Fort Union.

His wife was Mrs. Agatha Frogg, whose husband, William, was killed in the battle of Point Pleasant. They had four children: Charles A., who married Elizabeth Robinson; Lewis, who married Sarah Lewis; Jane, who married Robert Crockett; Margaret, who married Andrew Lewis. Colonel Stuart became county clerk of Greenbrier County in 1780 and held that office until 1807, when he resigned to be succeeded by his son, Lewis. He died August 18, 1823, and is buried on the old Stuart estate.

STUMP, MICHAEL

Service—Virginia Va. No. 30557 No. R. 10285

Born in Culpepper County, Virginia, in 1764, and in the company of Thomas Martin saw military service in 1780, 1781, 1782, and 1783. He applied for pension in 1834 which was refused although his claim was supported by John Likens, W. G. W. Currin and others. His grave is probably on the right fork of Steer Creek, Gilmer County, West Virginia.

STURM, JACOB

The grave of Jacob Sturm, a soldier in the Revolutionary War, is in the McElfresh Cemetery on Teverbaugh in Marion County, West Virginia.

SULLIVAN, PATRICK

Born in 1751 and died in Clarksburg, Virginia, in 1841. He served in the Revolutionary War in Thompson's Battalion of the First Pennsylvania Regiment.

SULLIVAN, PETER

Service—Virginia Kentucky No. 19466 No. W. 3736

Enlisted in the Revolutionary Army in Middlebrook, Georgia, and served in the Virginia Line under Captain Stokes in the regiment of Colonel Christian Febigen in General Welding's brigade. Fought at Middlebrook, Monmouth, and Eutaw Springs.

Married Katy Ayrehart prior to January 1, 1794 (probably 1782), in Lincoln County, North Carolina. Pension was issued in 1825 in Floyd County, Kentucky. Soldier died in 1840, aged 85. His widow died, 1848, aged 87, in Wayne County, Virginia. Their heirs were David and Polly Sullivan; Susan and Amy Sellards. Supporting data was submitted by James Rupell, Jeremiah Williams, Thomas Spalding, David Hogan, and Reuben Mathews.

SUMMERVILLE, WILLIAM (Captain)

Served as an officer under George Rogers Clark in the western country. He later became postmaster of Martinsburg. He died in 1826.

SUTTON, ELIJAH

Service—New Jersey Va. No. 12959 No. S. 6174

Born in Somerset County, New Jersey, July 14, 1755. Enlisted at Brunswick, New Jersey, and served under Captains Jacob Dunn, Hatfield, King and Countryman in the New Jersey Line in the regiment of Colonel Ogden and Colonel Martin. Took part in the battle of Germantown. Soldier applied for pension in Morgan County, Virginia, which was granted in 1833. Supporting data was submitted by Sam Brown, Phineas Ogden, and John C. Gustin.

SWAN, CHARLES

Service—Continental Va. Va. No. 1962 No. W. 19425

Enlisted in Frederick County, Virginia, in 1776, and served three years in the company of Captain Jones in the regiment of Light Dragoons under Colonel Baylor, Colonel Clough and General Washington. Took part in the battle of Monmouth and was on marches through Virginia, Maryland, Pennsylvania, New Jersey and Delaware. In December, 1779, Swan was married to Catherine Gayor by the Rev. Hannass of the Presbyterian Church, Frederick Town, Maryland.

Pension was granted the soldier in Tyler County, Virginia, in 1832, at which time he was 79 years old. He died August 4, 1841. His widow received pension in 1843 at which time she was 83 years old. Mention is made of Frederick Gayor or Gayoe, possibly a brother of the widow.

SWAN, JOHN

Served as a soldier in the Revolutionary Army from Berkeley County. His wife was given aid in 1777 by the court during the absence of her husband, possibly as a prisoner.

SWEARINGEN, BENONI

Lived at Shepherdstown, and was the youngest son of Thomas Swearingen who established a ferry there in 1775. He was married three times. His second wife was Sarah Bedinger, who died in 1792 at the ferry on the Virginia side. Their son, Henry, was in the war of 1812. Benoni then married a third time but his wife died soon after their marriage. He volunteered with George M. Bedinger and

was in the battle of Germantown. He went to Boonesborough, Kentucky, in 1779.

SWEARINGEN, HEZEKIAH

Son of Colonel Van Swearingen, born in 1747, and married Rebecca Turner. He served in the Revolutionary Army. He died January 3, 1817.

SWEARINGEN, JOSEPH (Captain)

First lieutenant, Twelfth Virginia, March 1, 1777; regiment designated Eighth Virginia, September 14, 1778; captain-lieutenant, April 14, 1779; taken prisoner at Charleston, May 12, 1780; captain, February 18, 1781; remained a prisoner to the end of the war. He then returned to his home at Shepherdstown, where he died in August, 1821.

He was born, July 10, 1754, at Shepherdstown, the son of Thomas Swearingen. He married Hannah Rutherford, who was born in 1752. They had one son, Thomas, who was born, February 5, 1784, but there may have been other children. According to certificate signed by General Muhlenberg, he had eight years service in the Revolution. Bounty land warrants were issued to him.

SWEARINGEN, JOSIAH (Captain)

Son of Colonel Van Swearingen. Born near Shepherdstown, March 28, 1744; died August 9, 1795. Enlisted as a private in Captain Stephenson's company in 1755. Later served under General Hand and General McIntosh in the western service, where he became a captain. He married, January 5, 1777, to Phoebe Strode, the daughter of James Strode of Berkeley County.

SWEARINGEN, THOMAS, (Major)

Son of the Thomas Swearingen who established the ferry at Shepherdstown. He was a brother of Benoni and Joseph and was born in 1752. He served as a soldier in the Revolution and went to Kentucky in 1779. Two of his daughters, Lydia and Drusilla, married Morgans. His son, Van, was killed at St. Clair's defeat.

SWEARINGEN, VAN (Captain)

Son of Thomas Swearingen. Native of Berkeley County. About 1774, he moved to the west, settling on the Monongahela River in what is now Fayette County, Pennsylvania. At the outbreak of the Revolution, he raised an independent company of riflemen which, on August 9, 1776, was attached to the Eighth Pennsylvania Regiment. In the battle of Stillwater, (1777), he was wounded and taken prisoner.

Upon his release, he served with his regiment until August 10, 1779, when he resigned, settled in Washington County, Pennsylvania, and was its first sheriff (1781-1784.) In 1785, he removed to Brooke County, Virginia, near Wellsburg, where he was a scout during the Indian wars. He died, December 2, 1793, at the age of 51. His only daughter, Dru-

silla, married Captain Sam Brady, who, with his father-in-law, known on the frontiers as "Indian Van", ranks first in the defense of the western borders of Pennsylvania and Virginia. (Another account says that he was killed November 4, 1791 at St. Clair's defeat near Fort Recovery, Ohio, while serving as captain of a detachment of Kentucky militia.)

SWEARINGEN, VAN (Colonel)

Served as a colonel of militia. He succeeded Colonel Samuel Washington as county lieutenant of Berkeley County, Virginia, and was succeeded by Philip Pendleton as colonel of militia, April 3, 1777. He was born in 1719 and died in 1788. He married twice; first his cousin, Sarah Swearingen; and after her death, Priscilla Metcalf.

SWEGER, JOHN

Service-Pennsylvania Va. No. 23508 No. S. 15998

Born in Louden County, Virginia, April 25, 1759. Enlisted in Fayette County, Pennsylvania, as an Indian spy in 1777, and served seventeen months under Captain Paradocks or Paddox, and Moon in the Pennsylvania militia. Pension was granted him while living in Harrison County, Virginia, in 1833, which was dropped in 1835. Supporting data was filed by Israel Shinn and John Allen.

SWIGER, CHRISTOPHER and JOHN

Christopher and John Swiger were both soldiers in the Revolution, receiving their discharge at Fort Pitt.

In his pension application, made in 1833 while living on Coon's Run, Harrison County, John Swiger stated that he had lived in Fayette County, Pennsylvania, from the age of 18 until the end of the Revolution. He was granted a pension as an Indian spy in Pennsylvania, but his claim was later disputed and he was dropped from the roll.

Christopher Swiger was not a pensioner. He married Eleanor Bacchus, February 2, 1798, and settled in Sardis District, Harrison County, on land granted him as bounty for his Revolutionary service. He later moved to Doddridge County, Virginia, where he died and is buried on Sycamore Creek.

SWINGLER, SAMUEL (Lieutenant)

Served as a lieutenant in Green County, Pennsylvania, then in Virginia, in 1776 in the militia for two months. In the month of June, 1777, volunteered for service in the Virginia militia under Lieutenant William Cross of Captain John Minors' company in the march from Jarretts Fort to Whitely Creek and to Fort Pitt.

SWISHER, JACOB

Service-Pennsylvania Va. No. 12574 No. S. 6179

Born in Berks County, Pennsylvania, March 13, 1752, and there enlisted in the Revolutionary Army, in 1775. Served as a private thirteen

months under Captains Lesher or Leazure and Folk in the Pennsylvania line. Applied for and received a pension in Harrison County, Virginia, March 10, 1833, which was suspended two years later. The letter to Hon. Nathan Goff, Clarksburg, Virginia, which announces this suspension, also gives notice that Arthur Trader has been dropped from the rolls, and that the pension of William Cunningham has been resumed, who is understood to have been wounded in the back at the battle of Brandywine.

SYDNOR, FORTUNATUS

Service-Continental Va. Va. No. 18747 No. S. 38160 and B. L. Wt. 12558

Enlisted in Bedford County, Virginia, in 1775 or 1776 and served thirteen months under Captains Dabney, Eddens, and Baham under Colonel Harrison, General Wayne and others. Took part in engagements at Hampton and Portsmouth. Received pension in Bedford County, Virginia, in 1822. (Supposed to have lived in Randolph County, Virginia, but proof is not found in pension records.)

TANNER, SAMUEL

Born in Augusta County (now Rockbridge), Virginia, May 15, 1759, moved to Greenbrier, then to Monongalia and spent his last years in Jackson County, Virginia. Elijah Runnion and Jesse Carpenter of Jackson County, testified for him in connection with pension application, but it was refused, No. R. 10389.

Tanner enlisted in the Rockbridge County, Virginia, militia in April, 1777, under Captain Hall, and marched to Lexington; joined Colonel George Skillern at Lewisburg, and remained there several weeks; lay at the falls of the Kanawha some time on account of sickness, then marched to Point Pleasant under Captain Matthew Arbuckle; was at Fort Randolph when Chief Cornstalk was killed. Marched back to Rockbridge, arriving there in January, 1778; in 1779, served in the frontier forts in Greenbrier County; in 1780, was an Indian spy under Lieutenant John McClung at Colonel Andrew Donnally's fort, on Greenbrier, Kanawha, Meadow, Gauley, Cole and Guyandotte rivers; the next year performed the same service under Ensign George Hannelon; in 1783, was under Ensign James Graham.

TABB, GEORGE and WILLIAM

Enlisted in Captain Stephenson's company in 1775. Received their discharge in October 1775, and returned to their home in Berkeley County when they learned of the death of another brother.

Book Reviews

THE BELEAGUERED CITY: Richmond, 1861-65. By *Alfred Hoyt Bill.* (New York: Alfred A. Knopf, 1946. Pp. 352. $3.00.)

As a story of charm and grace and nostalgia, THE BELEAGUERED CITY: *Richmond, 1861-65* is a warm and pleasant book. Richmond, Virginia, unquestionably one of the fashionable, gay, and most urbane cities of the South in an older time is depicted from the day of the grand celebration when the remains of James Monroe were returned from New York to the green hills of Hollywood Cemetery above the James—a day when North and South joined fraternal hands in a common honor—to the black day when the skies over the city were laden with the smoke of a burning, defeated capital of an unhappy confederacy against the northern brothers. Built upon sound thesis that the Civil War consisted of the attack and defense of Richmond, the book tells the story of the people of the city as they lived through the elations, disappointments, crimes, griefs, black markets, hopes and fears of the long war.

Not even the thunderburst of war in that spring of '61 dampened the confidence of a proud southern people who believed in its cause; for the outbreak of war simply evoked an enthusiastic expectation that the war would be short and victorious for the Southern Confederacy. The blatant conviction on every tongue that the Yankees were cowardly dogs was soon confirmed by the First Manassas. But after a year had passed and the enemy guns shook the walls of the city and the hospitals of the crowded capital overflowed, the grimness and doggedness of the war impressed the place. Thenceforth, life in the beleaguered city was paced to the fortunes of the southern battlefields.

Early fallen heroes lay in state in Jefferson's austere capital on Schockoe Hill, and the whole city mourned them and the funerals were mighty dramas of bereaved, somber pageantry. But the war went on to Gettysburg and beyond into the spring of 1864, and by the time that glorious Jeb Stuart died in pain on Grace Street, the city was too engrossed in its own battle for survival to accord the honors to the Knight of the Golden Spurs that had been given old Stonewall Jackson after Chancellorsville. Across these years, Mr. Bill pictures the city falling from splendor to squalor, becoming as brazen and beastly, anguished, stubborn, courageous as any beleaguered city of a noble people.

This story Mr. Bill tells gracefully, but with an unfortunate delicacy and an unwarranted emphasis upon the highest stratum of society. The book is too genteel. One misses the muddy boots, rude manners, broad shoulders, calloused hands, and good worth of common folk—and there were plenty of them in Richmond whether Mr. Bill's patrician concepts of the Old South admit of the fact or not. And so his book is a Cinderella story in reverse, not stalwart or stirring but engaging to read. It is a handsome book, profusely and excitingly illustrated.

From the standpoint of scholarship, THE BELEAGUERED CITY has little to commend it. The author set for himself rather narrow limitations; to tell of the steadfastness and courage of a great people. As pointed out, he has confined himself mainly to a class that is not entirely representative of that people. Although he does not express in his prefatory remarks any intention to sketch and evaluate the men of government that the citizens of the city cursed so fluently, he does present distorted and false portraits of Jefferson Davis and Judah P. Benjamin. Factual errors are few, but the spirit is wrong.

The footnotes are nothing more than digressions from the main stream of the narrative and might well have been incorporated into the text; there is no single annotation of the source of a statement or a quotation. The bibliography contains only secondary sources and not an exhaustive list of these; the scantiness of the author's sources is disclosed in the persistent and annoying recurrence of the comment and reactions of Mr. J. B. Jones and Mrs. Mary Chestnut in what is said to be a people's history. In short, from the viewpoint of scope and significance, the story of Richmond from 1861 to 1865, its people, its government, its officials, its politics, its inner conflicts, remains for an historian to tell. The mother lode of manuscripts remains untouched.

That war, Mr. Bill does reveal, however, was mighty tough on Mrs. Chesnut.

GEORGE F. SCHEER

Chapel Hill, North Carolina.

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State History as Featured by the Press

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CHARLESTON GAZETTE, *Fairmont to Have Celebration in Honor of Francis Pierpont*, January 25; *Harper's Ferry Bids to Become Capital of Peace Organization*, January 27; DO YOU REMEMBER, a column by Mrs. Billie Richardson, January 27; *Moundsville Stone Deciphered; Carved by Norse in 1000 A. D.*, February, 22.

FAIRMONT TIMES, *L. W. Chapman, 93, Ill*, March 5; *Horn Papers Reveal Daniel Tygart First White Child Born West of Alleghenies* (September or October, 1754), March 6; *Miss Mattie Miller Presents Pierpont Picture to Marion Historical Society*, March 7; *Story of (Uncle Duck) Alley, 98, West Virginia's Only Survivor of Civil War, March 8* (*all in* DO YOU REMEMBER, a column by E. E. Meredith).

THE HAMPSHIRE REVIEW (Romney), *Let's Reminisce*—from our Files, February 6, 13, 27, March 6.

THE GRAFTON NEWS, *Thirteen Naval Vessels in World War II Bring Honor to State of West Virginia*, February 15.

THE NEWS (Berkeley Springs), *Washington's Birthplace Still Under Some Cloud*, February 22.

MORGANTOWN POST, *New Book Relates Origin of Historical Names Here*, February 20.

MOUNDSVILLE DAILY ECHO, *Stone from Mound is Deciphered; Viking Christmas Memo*, by Delf Norona, February 20.

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REPUBLICAN DELTA (Buckhannon), *Girl Finds 'Hidden Treasure' Near French Creek*, February 28; *County's Oldest Resident, Albert Blake, 98, Observes Birthday*, February 28.

THE BUCKHANNON RECORD (Buckhannon) RECALLED BY THE RECORD (a column relating interesting happenings of years ago), February 22, March 8.

THE SHINNSTON NEWS, *Back in 1900 Shinnston Was Talking 'Water Works,'* February 28; *Finlayson Book Complete History of Tornado Disaster*, February 28.

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WETZEL REPUBLICAN (New Martinsville), *Extension of City Limits Proposed*, February 22.

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Contributors

James Henry Jacobs is a native of Buffalo, New York, and received his elementary education in that city. In 1932 his family moved to Fairmont, West Virginia, where he was graduated from the St. Peter's High School (1935) and the Fairmont State Teachers College, with honor, (1939.) He received his M.A. degree from West Virginia University in 1942. The West Virginia Gubernatorial Election Contest, 1888-1890, was submitted in partial fulfillment of the requirements for that degree.

Myra Gladys Gray was born in Nicholas County, West Virginia, and was educated in the schools of that county. Her A.B. degree was granted by Concord College, Athens, West Virginia; her M.A., by Peabody College, Nashville, Tennessee, and her Ph.D., by the University of Kentucky, Lexington. She has taught for the past fifteen years in the East Bank High School.

While working on her dissertation, The Presidential Campaign of 1860 in Virginia, she became very much interested in A. W. Campbell, about whom she writes in this issue.

Dr. Harlow Lindley, nationally known historian, has been secretary of the Ohio State Archaelogical and Historical Society for several years. Dr. Lindley was a guest speaker at the annual meeting of the West Virginia Historical Society held in Charleston, November, 10, 1945. The article in this issue, "The Organization and Work of the Local Historical Society," is a digest of his address delivered at that time.

George F. Scheer, member of the staff of the University of North Carolina Press. For biographical sketch see Volume VI, page 292.

WANTED

Copies of the WEST VIRGINIA HISTORY MAGAZINE bearing the following dates:

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